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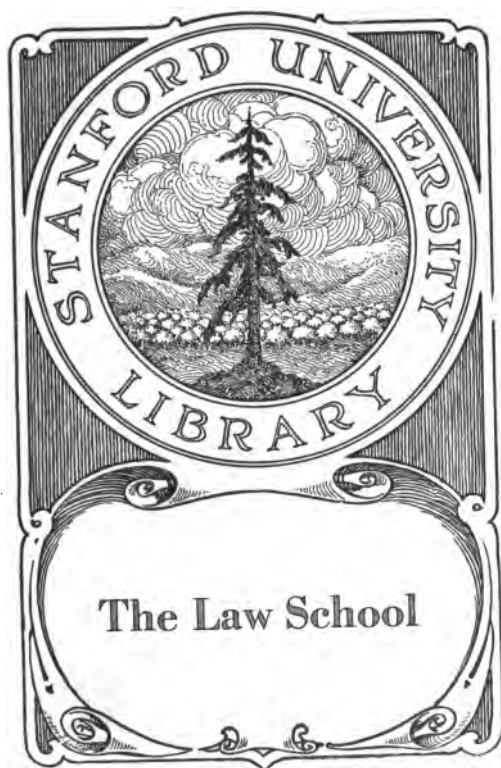
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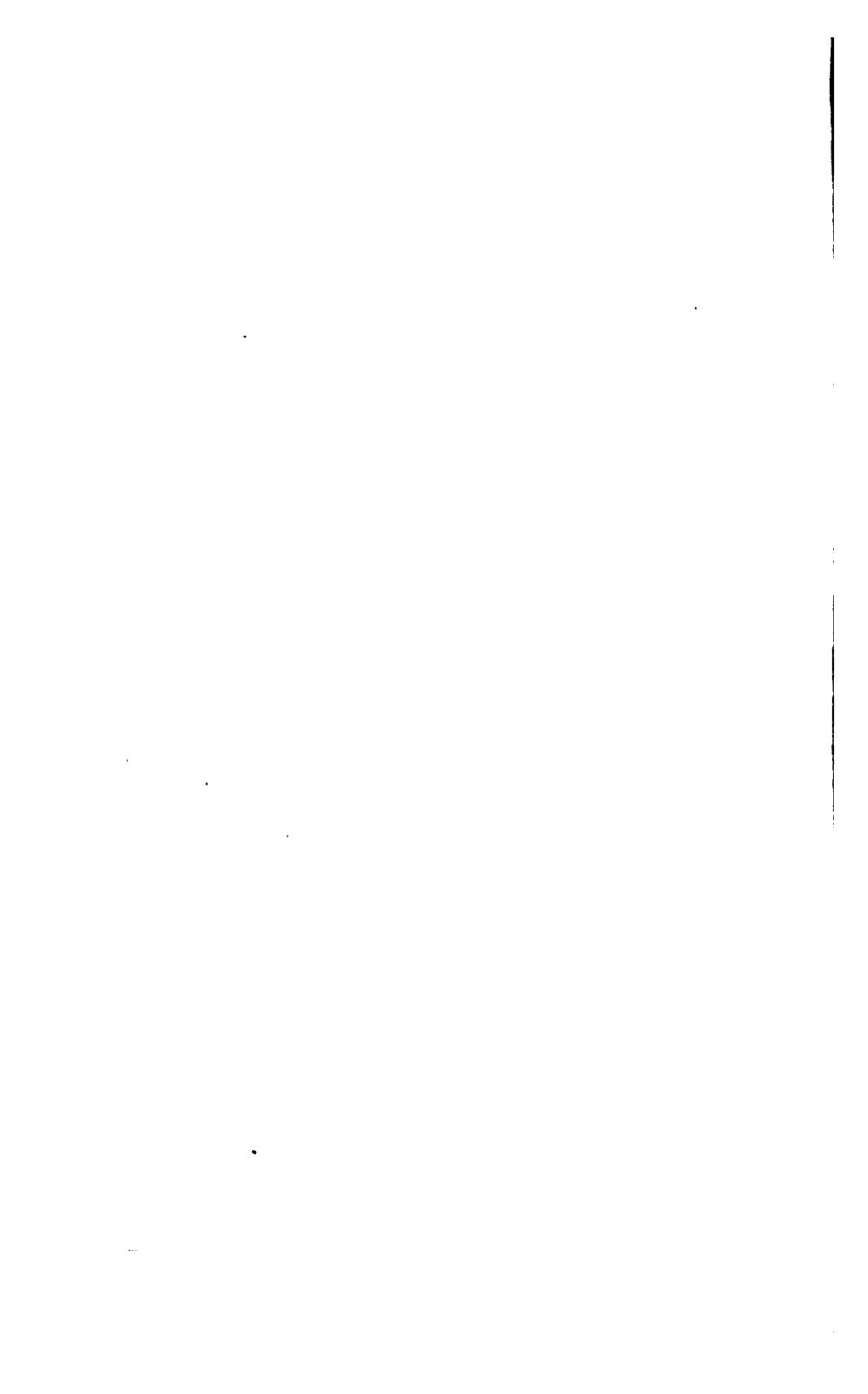
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5.  
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**GENERAL NATURE,**

**PASSED AT THE FIRST SESSION**

**OF THE**

**Twenty-seventh General Assembly**

**OF THE**

**STATE OF OHIO;**

**BEGUN AND HELD IN THE TOWN OF COLUMBUS,**

**DECEMBER 1, 1828,**

**AND THE TWENTY-SEVENTH YEAR OF SAID STATE.**

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**VOL. XXVII.**

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# ACTS

## OF A

# GENERAL NATURE.

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AN ACT to regulate the times of holding the Judicial Courts.

**Sec. 1.** *Be it enacted by the General Assembly of the State* Times of holding the Supreme Court  
*of Ohio,* That the Supreme Courts shall be holden as follows, ding the Su-  
to wit: In the county of Pike, on the twenty-third day of preme Court  
April; in the county of Jackson, on the twenty-seventh day  
of April; in the county of Gallia, on the first day of May; in  
the county of Lawrence, on the fourth day of May; in the  
county of Scioto, on the seventh day of May; in the county  
of Adams, on the eleventh day of May; in the county of  
Brown, on the fourteenth day of May; in the county of Cler-  
mont, on the twentieth day of May; in the county of Hamilton,  
on the twenty-fifth day of May; in the county of Butler, on  
the fifteenth day of June; in the county of Warren, on the  
eighteenth day of June; in the county of Clinton, on the  
twenty-second day of June; in the county of Highland, on  
the twenty-fourth day of June; in the county of Fayette, on  
the twenty-seventh day of June; in the county of Green, on  
the twenty-ninth day of June; in the county of Montgomery,  
on the second day of July; in the county of Preble, on the  
sixth day of July; in the county of Dark, on the eighth day  
of July; in the county of Mercer, on the ninth day of July;  
in the county of Miami, on the tenth day of July; in the  
county of Shelby, on the thirteenth day of July; in the  
county of Logan, on the fifteenth day of July; in the county  
of Champaign, on the seventeenth day of July; in the county  
of Clark, on the twentieth day of July; in the county of Mad-  
ison, on the twenty-third day of July; in the county of Union,  
on the twenty-fifth day of July; in the county of Delaware,  
on the twenty-seventh day of July; in the county of Marion,  
on the thirtieth day of July; in the county of Crawford, on  
the first day of August; in the county of Seneca, on the third  
day of August; in the county of Sandusky, on the fifth day of  
August; in the county of Wood, on the seventh day of Au-  
gust; in the county of Williams, on the eighth day of August;

Continued

in the county of Hancock, on the tenth day of August; in the county of Huron, on the eleventh day of August; in the county of Lorain, on the fourteenth day of August; in the county of Cuyahoga, on the seventeenth day of August; in the county of Geauga, on the twenty-first day of August; in the county of Ashtabula, on the twenty-fourth day of August; in the county of Trumbull, on the twenty-seventh day of August; in the county of Portage, on the second day of September; in the county of Medina, on the seventh day of September; in the county of Wayne, on the ninth day of September; in the county of Holmes, on the twelfth day of September; in the county of Richland, on the fourteenth day of September; in the county of Knox, on the seventeenth day of September; in the county of Licking, on the twenty-first day of September; in the county of Coshocton, on the twenty-fourth day of September; in the county of Tuscarawas, on the twenty-sixth day of September; in the county of Stark, on the twenty-eighth day of September; in the county of Columbiana, on the thirtieth day of September; in the county of Jefferson, on the second day of October; in the county of Harrison, on the seventh day of October; in the county of Belmont, on the tenth day of October; in the county of Monroe, on the fifteenth day of October; in the county of Guernsey, on the seventeenth day of October; in the county of Muskingum, on the twenty-first day of October; in the county of Morgan, on the twenty-ninth day of October; in the county of Washington, on the thirty-first day of October; in the county of Meigs, on the fifth day of November; in the county of Athens, on the ninth day of November; in the county of Hocking, on the eleventh day of November; in the county of Perry, on the thirteenth day of November; in the county of Fairfield, on the sixteenth day of November; in the county of Ross, on the twentieth day of November; in the county of Pickaway, on the twenty-seventh day of November; in the county of Franklin, on the third day of December, in each and every year.

Times of holding Courts of Com. Pleas in the 1st Circuit

Sec. 2. That the first Circuit shall be composed of the counties of Preble, Montgomery, Miami, Clark, Champaign, Logan, Shelby, Mercer and Dark; and the Courts of Common Pleas shall commence and be holden therein as follows, to wit: In the county of Preble, on the twenty-third day of February, the twenty-fifth day of May, and the fourteenth day of September; in the county of Montgomery, on the ninth day of March, the first day of June, and on the twenty-first day of September; in the county of Miami, on the twenty-third day of March, the fifteenth day of June, and on the fifth day of October; in the county of Clark, on the thirtieth day of March, the twenty-second day of June, and on the twelfth day of October; in the county of Champaign, on the sixth day of April, the twenty-ninth day of June, and on the nine-



fourth day of October; in the county of Logan, on the sixteenth day of April, the sixteenth day of July, and on the twenty-ninth day of October; in the county of Shelby, on the twentieth day of April, the twentieth day of July, and on the second day of November; in the county of Mercer, on the twenty-fourth day of April, and on the fifth day of November; in the county of Dark, on the twenty-seventh day of April, on the twenty-seventh day of July, and on the ninth day of November.

Sec. 3. That the second Circuit shall be composed of the counties of Delaware, Richland, Sandusky, Huron, Marion, Crawford, Seneca, Wood, Hancock and Williams; and the Courts of Common Pleas shall be holden therein at the times following, viz: In the county of Delaware, on the sixteenth day of March, the first day of June, and the fifth day of October; in the county of Richland, on the ninth day of March, the eighteenth day of May, and on the nineteenth day of October; in the county of Huron, on the second day of March, the eleventh day of May, and on the twenty-sixth day of October; in the county of Sandusky, on the fourth day of May, and on the fifth day of November; in the county of Hancock, on the twenty-fourth day of April, and on the seventh day of November; in the county of Williams, on the twenty-seventh day of April, and on the thirteenth day of November; in the county of Wood, on the thirteenth day of April, and on the ninth day of November; in the county of Seneca, on the seventh day of May, and on the second day of November; in the county of Crawford, on the twenty-fifth day of May, and on the fifteenth day of October; and in the county of Marion, on the twenty-eighth day of May, and on the twelfth day of October.

Times of holding Courts of Com. Pleas in the 2d Circuit

Sec. 4. That the counties of Portage, Medina, Lorain, Cuyahoga, Geauga, Ashtabula and Trumbull, shall compose the third Circuit; and the Courts of Common Pleas shall commence and be holden therein as follows, to wit: In the county of Portage, on the third Monday in February, third Monday in May, and the second Monday in September; in the county of Medina, on the second Monday next succeeding the third Monday in February, and on the second Monday next succeeding the second Monday in September; in the county of Lorain, on the third Monday next succeeding the third Monday in February, and on the third Monday next succeeding the second Monday in September; in the county of Cuyahoga, on the fourth Monday next succeeding the third Monday in February, the Monday next succeeding the third Monday in May, and the fourth Monday next succeeding the second Monday in September; in the county of Geauga, on the sixth Monday next succeeding the third Monday in February, on the second Monday next succeeding the third Monday in May, and the sixth Monday next

Times of holding Courts of Com. Pleas in the 3d Circuit

succeeding the second Monday in September; in the county of Ashtabula, on the eighth Monday next succeeding the third Monday in February, the third Monday succeeding the third Monday in May, and the eighth Monday next succeeding the second Monday in September; in the county of Trumbull, on the tenth Monday next succeeding the third Monday in February, the fourth Monday next succeeding the third Monday in May, and the tenth Monday next succeeding the second Monday in September, annually.

Times of holding Courts of Com. Pleas in the 4th Circuit

Sec. 5. That the counties of Perry, Licking, Knox, Wayne, Holmes, Tuscarawas, Coshocton and Muskingum, shall compose the fourth Circuit; and the Courts of Common Pleas shall commence and be holden therein as follows, to wit: In the county of Perry, on the seventeenth day of February, on the twenty-sixth day of May, and the twenty-ninth day of September; in the county of Licking, on the twenty-fourth day of February, the second day of June, and the sixth day of October; in the county of Knox, on the tenth day of March, the sixteenth day of June, and the twenty-sixth day of October; in the county of Wayne, on the sixteenth day of March, the twenty-second day of June, and the second day of November; in the county of Holmes, on the twenty-third day of March, the twenty-ninth day of June, and on the ninth day of November; in the county of Tuscarawas, on the twenty-sixth day of March, the second day of July, and on the twelfth day of November; in the county of Coshocton, on the thirtieth day of March, the twenty-eighth day of July, and the sixteenth day of November; in the county of Muskingum, on the thirteenth day of April, the third day of August, and the twenty-third day of November.

Times of holding Courts of Com. Pleas in the 5th Circuit

Sec. 6. That the counties of Belmont, Monroe, Guernsey, Harrison, Columbiana, Stark and Jefferson, shall compose the fifth Circuit; and the Courts of Common Pleas shall commence and be holden therein as follows, to wit: In the county of Belmont, on the ninth of March, the eighth of June, and the seventh of September; in the county of Monroe, on the eighteenth of March, the seventeenth of June, and the sixteenth of September; in the county of Guernsey, on the twenty-third of March, the twenty-third of June, and the twenty-second of September; in the county of Harrison, on the thirty-first of March, the twenty-eighth of July, and the nineteenth of October; in the county of Stark, on the seventh of April, the eleventh of August, and the twenty-seventh of October; in the county of Columbiana, on the thirteenth of April, the seventeenth of August, and the second of November; in the county of Jefferson, on the twentieth of April, on the twenty-fourth of August, and the sixteenth of November.

Sec. 7. That the counties of Madison, Fayette, Ross, Pickaway, Fairfield, Hocking, Franklin and Union, shall compose the sixth Circuit; and the Courts of Common Pleas shall be holden therein as follows, to wit: In the county of Union, on the nineteenth day of February, and the tenth day of September; in the county of Madison, on the twenty-third day of February, the eighteenth day of May, and the fourteenth day of September; in the county of Fayette, on the twenty-sixth day of February, the twenty-first day of May, and the seventeenth day of September; in the county of Ross, on the second day of March, the twenty-fifth day of May, and twenty-first day of September; in the county of Pickaway, on the sixteenth day of March, the eighth day of June, and the fourteenth day of October; in the county of Fairfield, on the twenty-third day of March, the twenty-second day of June, and twenty-third day of November; in the county of Hocking, on the second day of April, and twentieth day of November; in the county of Franklin, on the sixth day of April, the twenty-fourth day of August, and the twenty-fourth day of December.

Times of holding Courts of Com. Pleas in the 6th Circuit

Sec. 8. That the counties of Butler, Adams, Highland, Clinton, Warren and Green, shall compose the seventh Circuit; and the Courts of Common Pleas shall commence and be holden therein as follows, to wit: In the county of Butler, on the first Monday in March, on the fourth Monday in May, and on the third Monday of September; in the county of Adams, on the third Monday in March, on the fourth Monday of June, and the first Monday of October; in the county of Highland, on the fourth Monday of March, on the fourth Monday of July, and on the second Wednesday of October; in the county of Clinton, on the first Monday of April, on the first Monday of August, and the third Monday of October; in the county of Warren, on the third Monday in April, on the second Monday of August, and fourth Monday of October; in the county of Green, on the first Monday of May, on the fourth Monday of August, and the third Monday of November, annually.

Times of holding Courts of Com. Pleas in the 7th Circuit

Sec. 9. That the counties of Pike, Jackson, Scioto, Lawrence, Gallia, Meigs, Athens, Morgan and Washington, shall compose the eighth Circuit; and the Courts of Common Pleas shall commence and be holden therein at the times, and in the order following, that is to say: In the county of Lawrence, on the eleventh day of March, the first day of July, and the twenty-third day of September; in the county of Scioto, on the sixteenth day of March, the sixth day of July, and the twenty-eighth day of September; in the county of Pike, on the twenty-third day of March, the thirteenth day of July, and the fifth day of October; in the county of Jackson, on the twenty-sixth day of March, the sixteenth day of July, and the eighth day of October; in

Times of holding Courts of Com. Pleas in the 8th Circuit

~~The county of Athens, on the thirtieth day of March, the twentieth day of July, and the nineteenth day of October; in the county of Morgan, on the second day of April, the twenty-third day of July, and the twenty-second day of October; in the county of Washington, on the sixth day of April, the twenty-seventh day of July, and the twenty-sixth day of October; in the county of Meigs, on the thirteenth day of April, the third day of August, and the fifteenth day of October; in the county of Gallia, on the seventeenth day of April, the sixth day of August, and the twelfth day of October.~~

Times of holding Courts of Com. Pleas in the 9th Cir-

Sec. 10. That the counties of Hamilton, Clermont and Brown, shall compose the ninth Circuit; and the Courts of Common Pleas shall commence and be holden therein as follows, to wit: In the county of Hamilton, on the twelfth day of February, the first Monday of August, and the third Monday of November; in the county of Clermont, on the first Monday of April, the third Monday of July, the fourth Monday of October; in the county of Brown, on the third Monday of April, the fourth Monday of July, and the first Monday of November.

Sec. 11. That should the day mentioned in this act, for the holding of any Court, fall on the first day of the week, the Court shall commence and be holden the day following.

Repealing clause

Sec. 12. That the "Act to regulate the times of holding the Judicial Courts," passed January the thirtieth, eighteen hundred and twenty-seven, and the act amendatory thereto, passed February the ninth, one thousand eight hundred and twenty-eight, be, and the same are hereby repealed: and all suits and process in any of said Courts, mentioned in this act, shall be continued, or returned to the next term of said Courts, respectively, after the taking effect of this act.

EDWARD KING,

*Speaker of the House of Representatives*

SAMUEL WHEELER,

*Speaker of the Senate*

January 28, 1829.

AN ACT to incorporate the township of Fulton, in the county of Hamilton.

Boundaries

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the inhabitants of the townships of Mill Creek and Columbia, residing within the following described parts of said townships, to wit: beginning at the Ohio river, at the southeast corner of the Corporation of the city of Cincinnati, and also the junction of fractional section number twelve, town four, and fractional range one, and section

number seven, town three, and fractional range two, in the Miami Purchase; thence, running east with the township line, thirty chains; thence, northeastwardly, direct to the corner of sections one, two, seven and eight, in said township; thence, northeastwardly, to a point on the township line, thirty-five chains and seventy-five links, north from the bank of the Ohio river; thence, due east through section number thirty-two, in township four, forty-five chains, to a point on the south side of the hill road leading to Columbia; thence south, and parallel with the township line, forty-six chains, to the Ohio river; thence, down said river, with its meanders, to the place of beginning; be, and they are hereby created a body corporate and politic, by the name of "The Township of Fulton;" and by and with that name to have the same powers, rights and privileges, and to be subject to, and under the same laws, rules and regulations, as townships are, which have been incorporated according to the provisions of the act, entitled "An Act providing for the incorporation of Townships," passed February the twenty-fifth, in the year eighteen hundred and twenty-four; the proviso to the first section of the above recited act to the contrary notwithstanding.

Sec. 2. That the first election of township officers, in said township of Fulton, shall be held at the house of William Lewis therein, at the time, and in the manner, pointed out and provided by the act aforesaid; and all suits remaining undetermined, all judgments remaining unsatisfied, all taxes, fines, penalties, debts, dues and demands, in favor of, or due to, and from, the said townships of Mill Creek and Columbia, respectively, shall be prosecuted and defended, and collected, in the same manner as they would have been had this act never passed.

This act shall take effect and be in force from and after the second Monday of March next.

EDWARD KING,

*Speaker of the House of Representatives.*

SAMUEL WHEELER,

*Speaker of the Senate.*

December 22, 1828.

AN ACT to amend the act, entitled "An Act authorizing the Trustees of the Ohio University to dispose of certain lands."

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Board of Trustees of the Ohio University shall, on the first Monday of January, annually, report to the Auditor of State the amount of money arising from the sale of the lands situated in the College Townships, in the county

of Athens, (after defraying the expenses incidental to the sale of said lands); and the Auditor of State shall thereupon certify the same to the Treasurer of State; and upon the money being deposited with him, agreeably to the sixth section of the act to which this is an amendment, in addition to the certificate of deposit, shall give a receipt for the same, which the Treasurer of said Board shall deposit, or cause to be deposited, with the Auditor of State, who shall charge the Treasurer of State with the amount, and credit the Ohio University with the same, together with the interest which may accrue, annually, thereon.

**Auditor to draw on State Treasurer** Sec. 2. That the Auditor of State shall, half yearly, upon the order of the Treasurer of said Board, draw an order upon the Treasurer of State, for the amount of interest which may, from time to time, be due to said University.

EDWARD KING,  
Speaker of the House of Representatives.  
SAMUEL WHEELER,  
Speaker of the Senate.

January 10, 1829.

AN ACT to improve the breed of Sheep.

**Rams running at large to be taken up** Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any ram shall be found running at large, out of the enclosure of its owner, between, the last day of June and the first day of November, it shall be lawful for any householder to take up such ram; and, if the owner thereof be known to him, it shall be the duty of the person, taking up such ram, to give notice forthwith, to the owner, of the taking up of such ram by him; and if, thereupon, the owner require a restoration of such ram, he shall pay to the taker up thereof the sum of fifty cents; or, if he refuse so to do, such ram shall be forfeited to the person taking up the same: and if the owner, upon restoration of such ram, shall thereafter, within the period aforesaid, of the same year, voluntarily or knowingly permit such ram again to run at large, the same shall be forfeited to any person who shall, within the period aforesaid, take up the same.

**Proceedings thereon**

**The ram to be forfeited for the second offence**

**When owner not known the ram to be advertised** Sec. 2. That if the owner of any ram, so taken up, be not known to the person taking up the same, it shall be his duty forthwith to give notice, by advertisement posted up in five of the most public places in the township in which he shall reside, of the taking up of such ram; describing therein the natural and artificial marks of, and stating the time of taking up, such ram; and if the owner appear and reclaim such ram within ten days from the taking up thereof, he shall pay to the taker up, upon the restoration of such ram,

**Proceedings thereon**

the sum of one dollar for the taking up and advertising the same; and if the owner shall appear to reclaim such ram, after such ten days, and before the first day of November, he shall pay to the taker up, in addition to the said sum of one dollar, ten cents per week for the keeping such ram; but if the owner shall not reclaim such ram within three months from the taking up thereof, the same shall be forfeited to such taker up; and if the owner, who shall have reclaimed any such ram, shall thereafter, and before the first day of November, voluntarily or knowingly permit such ram again to run at large, the same shall be forfeited to any person who shall take up the same.

Sec. 3. That this act shall be in force in those counties <sup>County com;</sup> only, the Boards of Commissioners of which shall, in the <sup>m's to en-</sup> present year, or in any year thereafter, before the first day <sup>force this act</sup> of May, whenever it shall be deemed expedient, resolve that <sup>if they see fit,</sup> the same shall be adopted and in force in their respective <sup>if not the</sup> county or counties; and shall cause notice of such resolution <sup>same to be</sup> to be published for thirty days previous to the first day of <sup>void and of</sup> June of the year in which such resolution shall be passed, in <sup>none effect.</sup> some newspaper published or in general circulation in such <sup>Publication</sup> county; whereupon, this act shall thereafter be in force in <sup>to be made</sup> such county and counties: and it shall be the duty of the <sup>Duty of town</sup> Clerks of the several townships, in each county, wherein this <sup>clerks</sup> act shall be adopted, as aforesaid, immediately upon the publication of such resolution of the Commissioners, to republish the same, in their townships, by advertisement posted up in five of the most public places therein.

EDWARD KING,

*Speaker of the House of Representatives.*

SAMUEL WHEELER,

*Speaker of the Senate.*

January 13, 1829.

#### AN ACT to regulate Grocers and Retailers of spirituous liquors.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Courts of Common Pleas of the several <sup>Court of com-</sup> counties in this State, be, and they are hereby authorized, <sup>mon pleas</sup> upon application for that purpose, to grant license, for one <sup>may license</sup> year, to any person or persons to keep a grocery, and retail <sup>grocers &c</sup> spirituous liquors, in any part of their counties, respectively, on payment of any sum not more than fifty, nor less than <sup>Rates of</sup> five dollars, per annum; which sum shall be paid into the <sup>license</sup> County Treasury, for the use of common schools in said county: *Provided,* That all applications, as aforesaid, shall <sup>Proviso as to</sup> be made by petition, subscribed by at least twelve respect- <sup>petition and</sup> able householders of the vicinity of said grocery: and before <sup>notice.</sup>

granting said license, the Court shall be satisfied that said applicant or applicants has or have given thirty days notice, by posting up advertisements, of his or their intention to apply for such license, in three public places in the township in which said grocery is to be kept.

Penalty for keeping a grocery without license

Sec. 2. That if any person or persons shall keep a grocery, and sell spirituous liquors to be drank where sold, in any county in this State, without first having obtained license, agreeably to the provisions of the first section of this act, he shall forfeit and pay not less than ten, nor more than fifty dollars, to be recovered by indictment, with costs, and paid into the County Treasury, for the use of common schools therein.

Penalty for permitting drunkenness or gambling

Sec. 3. That if any person or persons, licensed agreeably to the provisions of this act, shall suffer or permit rioting, drunkenness, or any kind of gambling, in his or their grocery, he or they shall forfeit and pay, for every such offence, a sum not less than ten, nor more than fifty dollars, to be recovered and paid over in the same manner, and for the same use and purpose, as is provided in the second section of this act; and his or their license shall be thereupon forfeited, and he or they shall not be re-licensed for the space of one year thereafter.

Provision respecting incorporation of towns

Sec. 4. That nothing in this act contained shall be so construed as to interfere with any laws now in force, or which may hereafter be in force, regulating the granting of such licenses in any city or incorporated town in this State.

Three sections of a former act referred to

Sec. 5. That the same provisions that are enacted and contained in the fourth, ninth and tenth sections of the "Act granting licenses and regulating ferries, taverns and stores," shall be in force as to licenses obtained under this act.

Commencement

This act shall take effect and be in force from and after the first day of April next.

EDWARD KING,  
*Speaker of the House of Representatives,*  
SAMUEL WHEELER,  
*Speaker of the Senate.*

January 28, 1829.

AN ACT to amend an act, entitled "An Act defining the mode of proceeding in Chancery."

On filing of bill subpoena may issue forthwith

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That any applicant or applicants to the Chancery side of the Supreme Court, or Courts of Common Pleas, may, if he, she or they think proper, file his, her or their petition in term time of such Court; and on application of such complainant or complainants, the Clerk shall issue a subpoena for the defendant or defendants to appear before



such Court forthwith, to answer to the matters and things contained in the complainant's petition.

Sec. 2. That on return of such writ of subpoena, endorsed, by the officer serving the same, "*served*," the said defendant or defendants shall be considered in Court, and may be further proceeded against, in the manner now provided for, in all cases where such petition has been filed, and subpoena issued, in vacation of either of said Courts, by the act to which this is amendatory. Further proceedings thereon

EDWARD KING,  
*Speaker of the House of Representatives,*

SAMUEL WHEELER,  
*Speaker of the Senate.*

January 10, 1829.

AN ACT to allow writs of Error in criminal cases.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in criminal cases, not punishable with death, writs of error may, on good cause shown, be allowed by the Supreme Court, or any Judge thereof, in vacation, as in civil cases; and in criminal cases, punishable with death, writs of error may be allowed by said Court, when in session, on motion in open Court, or by any two Judges thereof, in vacation. Provision in cases of conviction for minor offences

Sec. 2. That in all cases of conviction, when the punishment shall be capital, the Judges or Court, allowing such writ of error, shall order a suspension of the execution until such writ of error shall be heard and determined: and upon hearing of such writ of error, they shall order the prisoner to be discharged, a new trial to be had, or appoint a day certain for the execution of the sentence, as the nature of the case may require. Provision in case of conviction in capital offences

Sec. 3. That in all cases of conviction, where the punishment shall be capital, or by imprisonment in the Penitentiary, the Court or Judge, allowing such writ of error, may order the same to be made returnable forthwith, before said Supreme Court, wherever they may be sitting, or before said Supreme Court at their next session in Bank; and shall also order a suspension of the execution of such sentence. Further provision in capital cases.

Sec. 4. That in all other cases, not provided for by the second or third sections of this act, the Court or Judge, allowing such writ of error, may order a suspension of the execution of the sentence upon the defendant, on his or her entering into a recognizance, before the Clerk of the Court of Common Pleas where such cause was tried, with at least two good and sufficient sureties, to be approved of by said Clerk, in such sum as shall be specified in the order of the Execution of the sentence to be suspended

Court or Judge allowing such writ of error; which recognizance shall be conditioned for the defendant's prosecuting said writ of error to effect, and surrendering himself or herself to the custody of the Sheriff of the county in which such conviction was had, in case the judgment of the Court of Common Pleas shall not be reversed.

Proceedings  
before com-  
mon pleas by  
bill of excep-  
tions

Sec. 5. That in all cases where a defendant shall feel himself aggrieved, by any decision of the Court of Common Pleas, he may present his bill of exceptions to such decision; and it shall be the duty of such Court to sign and seal the same in manner and form as is now provided by law in civil cases; and such bill of exceptions, when signed and sealed, shall be made a part of the record, and shall have the same force and effect as in civil causes.

EDWARD KING,

*Speaker of the House of Representatives.*

SAMUEL WHEELER,

*Speaker of the Senate.*

January 28, 1829.

AN ACT in addition to the several acts establishing and regulating Poor Houses.

Directors to  
draw on coun-  
ty auditor for  
expenses

Auditor to  
draw on coun-  
ty treasurer  
Provido

Order and  
statement of  
facts to ac-  
company  
paupers to  
poor house

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That in every county within which a County Poor House is, or may be erected and established, it shall be the duty of the Directors of such Poor House to give an order on the County Auditor for the payment of such reasonable and necessary expenses as may have been incurred by any township in removing any pauper to the Poor House, or that may have been incurred immediately preceding such removal, by reason of delay, caused by the sickness of such pauper; and the Auditor shall draw his order on the County Treasurer for such amount, to be paid out of any moneys in the Treasury, not otherwise appropriated: *Provided,* That it shall not be lawful for the Directors to give such order, unless they shall previously determine that such pauper is legally a county charge.

Sec. 2. That no person shall be admitted to any such Poor House, as a pauper, unless upon the order or warrant of the Trustees of the proper township, directed to the Board of Directors of the Poor House of the proper county; which order or warrant shall be accompanied by a statement of facts, signed by said Trustees, and also by the Overseers of the Poor of the township, setting forth the name, age, birth-place, length of residence, previous habits and present condition of the person claiming to be a pauper, together with the time or times at which such person (if not a native of the township) has been warned to depart therefrom, and if

neglected to be warned or removed, the reason or cause of such neglect: and if, upon a full examination of the facts so set forth, and of any other facts or circumstances touching the right of such pauper to admission in the Poor House, which may come to the knowledge of the Directors, they shall be of opinion that from any failure or neglect of duty, on the part of the Overseers of the Poor, or from want of the proper legal residence, or from any other cause, such person is not legally chargeable to the county as a pauper, he or she shall not be admitted to the Poor House; and the Superintendent shall not admit any person into the Poor House, as a pauper, unless upon the order of the Board of Directors, or the President thereof.

Sec. 3. That in case any person shall be at present, or may hereafter be, in any Poor House, supported as a pauper, whose proper place of residence is in another State, or county, it shall be lawful for the Board of Directors of such Poor House to cause such pauper to be removed to his or her proper place of residence, in the same manner as Overseers of the Poor are authorized and required to remove persons not legally chargeable, by virtue of the provisions of the fifth section of "An Act for the relief of the Poor," passed February tenth, eighteen hundred and sixteen; and all the power and authority vested in the Overseers of the Poor, by and in virtue of said section, necessary to carry into effect the provisions of this section, are hereby conferred upon the Directors of Poor Houses, for the purposes herein mentioned.

Sec. 4. That the County Commissioners be, and they are hereby authorized and empowered, in case the ordinary revenue of the county shall prove insufficient for the support of the poor, to levy and collect a poor tax, not exceeding one mill on the dollar of the valuation of property, taxable for State and county purposes, to be entered on the grand list, and collected as other taxes.

Sec. 5. That the County Commissioners may allow the Directors of the Poor House such compensation for their services as they may deem reasonable, not exceeding one dollar and fifty cents each, for every day they may be necessarily employed in the duties of their appointment, to be paid out of the County Treasury, upon the order of the Auditor.

Sec. 6. That all acts, and parts of acts, inconsistent with the provisions of this act, be, and the same are hereby repealed.

EDWARD KING,

*Speaker of the House of Representatives.*

SAMUEL WHEELER,

*Speaker of the Senate.*

January 19, 1899.

## AN ACT making special appropriations for certain purposes.

**\$10,000 for the General Assembly** Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the sum of ten thousand dollars, be, and the same is hereby appropriated for the payment of the members and the officers of the General Assembly, in part, of their compensation for the present session.

**\$1,800 to refund taxes** Sec. 2. That the sum of eighteen hundred dollars, be, and the same is hereby appropriated for refunding taxes twice or improperly paid.

**\$1,800 to pay the Adjutant General &c** Sec. 3. That the sum of eighteen hundred dollars, be, and the same is hereby appropriated for the payment of the Adjutant and Quarter Master Generals, and Brigade Inspectors.

**\$2,000 for the State Printer** Sec. 4. That the sum of two thousand dollars, be, and the same is hereby appropriated for the payment of the State Printer, in part.

**\$4,000 for the Penitentiary** Sec. 5. That the sum of four thousand dollars, be, and the same is hereby appropriated for defraying the expenses of the Penitentiary.

**\$30 to J. B. Gardiner** Sec. 6. That a sum, not exceeding thirty dollars, be appropriated to pay James B. Gardiner, for his services in going to, and returning from, Cincinnati, agreeably to a Resolution of the Senate; and that the said James B. Gardiner shall be entitled to receive said sum at the Treasury, on the order of the Auditor of State.

ELIJAH HAYWARD,

*Speaker, pro tem. of the House of Representatives.*

SAMUEL WHEELER,

*Speaker of the Senate.*

December 24, 1828.

## AN ACT declaring the assent of the State of Ohio to the provisions and conditions of an Act of Congress.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the assent of the State of Ohio be, and the same is hereby expressed, and declared to be given, to the several provisions and conditions of an Act of the Congress of the United States, approved twenty-fourth May, eighteen hundred and twenty-eight, and entitled "An Act to aid the State of Ohio in extending the Miami Canal from Dayton to Lake Erie, and to grant a quantity of land to said State, to aid in the construction of the Canals authorized by law; and for making donations of land to certain persons in Arkansas Territory."

EDWARD KING,

*Speaker of the House of Representatives.*

SAMUEL WHEELER,

*Speaker of the Senate.*

December 22, 1828.

**AN ACT for the appointment of a Commissioner of the Canal Fund,**

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Ethan A. Brown be, and he is hereby appointed a Commissioner of the Canal Fund, to fill the vacancy occasioned by the expiration of his term of service, who shall hold his office, for the term of six years, from and after the fourth day of February next, and until his successor shall be appointed and qualified.

**EDWARD KING,**

*Speaker of the House of Representatives.*

**SAMUEL WHEELER,**

*Speaker of the Senate.*

January 28, 1829.

**AN ACT** authorizing County Commissioners to grant reviews, and change the direction of State Roads, within their respective counties, in certain cases.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the Board of Commissioners of any county, within this State, to authorize a change in the direction or route of any State Road, or part of a State Road, that has been or may hereafter be located and established within their respective counties. Alterations may be authorized

Sec. 2. That the application for such change or alteration shall be by petition to the County Commissioners, signed by at least twenty freeholders, residing in the county where such change is proposed to be made; and which petition shall particularly specify the alterations intended to be made: and said petition may be filed with the said Commissioners at any one of the regular sessions of their Board, as required by law: and at the time of presenting said petition, the signers, (or some one thereof) shall enter into bond with two or more good and sufficient freehold securities, to be approved of by said Commissioners, and made payable to the State of Ohio, conditioned for the payment of all expenses whatsoever, accruing in any manner under this act, in case, upon final hearing, the alteration prayed for should not be granted; and, also, that in case the alteration, as prayed for, should, upon final hearing, be granted, the petitioners shall, within one year thereafter, cause the part or parts, so adopted in place of the old route, to be made in all respects as good as the old route was at the time of such change: and upon receiving such petition and bond, the Commissioners shall appoint a day on which they will attend at their office for the purpose of hearing remonstrances, and of granting an order for a review; which time shall not be more than ninety, Application to be by petition to county commissioners Proceedings thereon Remonstrances may be heard nor less than forty days from the filing of the aforesaid petition.

**Notice to be given**

tion and bond; and the said petitioners shall cause a notice to be given of the filing of said petition, and of the substance thereof, by publication in some newspaper, of most general circulation in said county, and also by setting up a copy or copies of said notice, in the township or townships in which such change is proposed to be made; which notice shall be set up, as well as published as aforesaid, at least thirty days before the time fixed upon by said Commissioners for hearing remonstrances, as hereinbefore mentioned.

**Remonstrators may attend and produce testimony**

Sec. 3. That at the time fixed upon, as is provided for in the foregoing section, it shall be lawful for any person or persons having any objections to an alteration of said road, to present his or their remonstrances, in writing, against the same, as also to attend in person, with his or their testimony, which the Commissioners are hereby authorized to hear and

**Comm'rs may or may not grant review**

examine; and thereupon the Commissioners shall, as they in their discretion may judge for the public good, grant or refuse a review of so much of the old road as is prayed to be altered, or of the route, or part thereof, intended to be changed, as described in said petition: and in case the said Com-

**Com'rs to appoint viewers, &c**

missioners shall decide that a review shall be had, they shall appoint three disinterested freeholders, residing in said county, but not in any township through which said road, or the intended route, shall be situate, or to which it shall lead, to review said road, or part thereof, mentioned in the said petition: and it shall be the duty of the said Reviewers to employ a skilful Surveyor, Chain Carriers and Marker, who, with the Reviewers and Commissioners, shall, in the discharge of their several duties, be governed by the provisions of the "Act for opening and regulating Roads and Highways," passed February twenty-sixth, eighteen hundred and twenty-four.

**Surveyor to be appointed**

**Viewers to report to com'rs**

Sec. 4. That if, in the opinion of said Reviewers, a change in the direction of the said road may be advantageously made, the Commissioners may, in their discretion, authorize and direct such change to be made; and it is hereby

**Alteration to be recorded**

made their duty, if they authorize and direct such change to be made, to cause the plat and survey of such variation from the original route, to be recorded in the manner pointed out in the before recited act: and in case any person or persons

**Damages how recovered**

shall consider him, her or themselves aggrieved by the alteration, or new location of any road under the provisions of this act, such claim or claims for damages may be presented, and shall be assessed and paid in the manner prescribed by the sixth section of the "Act for opening and regulating Roads and Highways."

**No change to be made at a county line except by consent**

Sec. 5. That no change shall be made in the direction of a State Road, where it crosses the line between two counties, unless by mutual agreement in the report of the Reviewers appointed by the Commissioners of each county.

and by the concurrence of the Commissioners of both counties; in which last case, the plat and survey of the variation from the original route shall be recorded in both counties.

Sec. 6. That whenever a change shall be made in any State Road, agreeably to the provisions of this act, so much of the old road as lies between the points of intersection of the new and old road, shall be, by the Commissioners of the county in which such change is made, declared vacated, whenever in their opinion it may be expedient, after the end of one year from the acceptance of, and agreement to, the report of the Reviewers, as hereinbefore provided.

Sec. 7. That on the report of the Reviewers, as specified in this act, and the final decision of the Commissioners thereupon, as hereinbefore provided, any person or persons aggrieved by such decision, shall have the right to appeal the same to the Court of Common Pleas of the proper county; which appeal shall be prosecuted in the manner, and be subject to the same regulations, as directed in the eighth section of the "Act for opening and regulating Roads and Highways."

Sec. 8. That if, at the end of one year from the final decision of the Commissioners in favor of a change of the location of any road, or part thereof, in their county; and if an appeal shall have been taken from such final decision, and on trial such decision confirmed, in both counties, if such appeal have been taken in both; then, if at the end of one year from the judgment on such appeal, the petitioners shall not have caused such new route to be opened and put in as good order, for the public use and benefit, as the old route was at the time of such alteration, the Commissioners shall forthwith institute a suit upon the bond by them taken, as provided for in the second section of this act; and the sum for which the Court is hereby authorized to render judgment, shall be such amount as from proof may be adjudged necessary to make said road, so adopted in the place of the old, equally good, for the purposes of travel, with the old route, at the time of the alteration aforesaid; which amount, so recovered upon the bond aforesaid, shall be expended by the said Commissioners in constructing and improving such new route.

Sec. 9. That all prosecutions, upon bonds required by this act to be taken, shall be in the name of the State of Ohio, for the use of the county in which the same was taken; and one recovery shall not bar further proceedings on the same, for breaches accruing after the first recovery; but for such accruing breaches, a scire facias shall issue, setting forth the former recovery and the subsequent breaches.

Sec. 10. That all acts, and parts of acts, inconsistent with the provisions of this act, be, and the same are hereby repealed.

EDWARD KING,  
*Speaker of the House of Representatives.*  
SAMUEL WHEFLER,  
*Speaker of the Senate.*

February 2, 1829.

AN ACT declaring the assent of the State of Ohio to the provisions of an Act, entitled "A supplement to an Act, entitled 'An Act to incorporate the Pennsylvania and Ohio Canal Company.'"

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the full and entire assent of this State be, and the same is hereby given, to all the provisions mentioned and contained in an act of the Legislature of the Commonwealth of Pennsylvania, passed the seventh day of February, in the year of our Lord, eighteen hundred and twenty-eight, entitled "A supplement to an Act, entitled 'An Act to incorporate the Pennsylvania and Ohio Canal Company;'" and the same is hereby adopted, ratified and confirmed, and enacted into a law of this State, and all and each of the provisions thereof, as fully and effectually as if the same were enacted, paragraph by paragraph, and section by section, so far as the same can apply to this State.

EDWARD KING,  
*Speaker of the House of Representatives.*  
SAMUEL WHEFLER,  
*Speaker of the Senate.*

February 2, 1829.

AN ACT to amend the act, entitled "An Act to provide for the partition of real estate."

Improved  
land not to  
sell for less  
than two-  
thirds, nor un-  
improved for  
less than one-  
half

Provisions to  
land once of-  
fered and not  
sold

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all cases of partition, in which the Courts of Common Pleas, or the Supreme Court, for any county, shall order the sale of any real estate, pursuant to the provisions of the sixth section of the act of which this is an amendment; the same, if improved, shall not, in the first instance, be sold for less than two-thirds, or, if unimproved, at less than one-half the appraised value thereof: *Provided,* That after the same shall have been once offered, and not sold, at such proportion or proportions of the appraisement, it shall be competent for the Court, which shall have ordered such sale, at their discretion, (if satisfied that such real estate cannot be



old for the proportion or proportions aforesaid,) to order a Duty of court revaluation thereof, by three judicious disinterested free- in ordering a holders of the county or counties in which such lands may second offer lie, (to be appointed by the Court,) and a subsequent sale for sale thereof; or if they shall deem it expedient for the interest of the parties concerned, to order a sale without such revaluation, at not less than such reduced proportion or proportions of the appraised value, as they may direct; and it shall be competent for such Court to order any such sale to be made, in whole or in part, upon credit, as they may deem expedient, and to prescribe the mode of securing the payments to, or for the use of the parties entitled to distribution of the proceeds of such real estate.

Sec. 2. That when any real estate shall be ordered to be sold as aforesaid, it shall be the duty of the Sheriff, who Duty of Sheriff in advertising and selling land shall sell the same, to advertise the time and place of such sale at least thirty days, in some newspaper printed in the county in which such estate is situated, (if there be one,) and if there be none, or if such real estate shall be situated in more than one county, then in some other paper printed in the State, which shall be most likely to give fair notice to the parties interested at least sixty days prior to such sale; and that so much of the sixth section of the act, to which this is an amendment, as requires advertisements of such The 6th sec. of a former act repealed sales to be set or posted up, and requires a notice of twenty days only, in the case therein specified, be, and the same is hereby repealed.

Sec. 3. That the guardian or guardians of any minor heir or heirs, or party who may be entitled, by the order or decree of the Court, to partition of such lands or real estate, Guardians to minors may elect to take land ordered to be sold by Court may, with the approbation of the Court, which shall have ordered the partition for and in the name or names of his, her, or their ward or wards, elect to take the said lands or real estate or estates, in any case wherein the same cannot be divided without prejudice, as in the case provided for in the sixth section of the act to which this is an amendment; and, upon such election, shall and may secure the payment or payments therefor, in the name or names of such minor heir, heirs or party, and to bind him, her or them in such manner as the said Court shall direct: *Provided*, That this section shall not be construed to affect the validity of any such election which may have been made under, or by virtue of the provisions of the ninth section of the said act, of which this is an amendment. *Provide*

This act shall take effect and be in force from and after the first day of June next.

EDWARD KING,  
Speaker of the House of Representatives.  
SAMUEL WHEELER,  
Speaker of the Senate.

February 2, 1829.

AN ACT to incorporate the Cincinnati Insurance Company.

Corporation created	Sec. 1. <i>Be it enacted by the General Assembly of the State of Ohio,</i> That there shall be, and hereby is established, in the city of Cincinnati, an Insurance Company, with a capital stock of
Am't of capital stock	two hundred and fifty thousand dollars, which may be increased, at the will of the stockholders, to any amount, not exceeding five hundred thousand dollars, to be divided into shares
Shares \$50 each	of fifty dollars each, and subscribed and paid for by individuals, companies or corporations, in the manner hereinafter specified; which stockholders and subscribers, and their successors, shall be, and hereby are created, a body politic and corporate, with perpetual succession, by the name and style
Style of the corporation	of "The Cincinnati Insurance Company;" and by that name
May sue and be sued	shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places,
May hold and convey property	and in all matters whatsoever; with full power and authority to acquire, hold, possess, use, occupy and enjoy, and the same to sell, convey and dispose of, all such real estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said Company for the security, or in payment of any debt which may become due and owing to the same, or in satisfaction of any judgment of a court of law, or any order or decree of a court of equity, in their favor; and may have and use a common seal, and the
May have a common seal, and make by-laws	same alter, change, break and renew, at pleasure; and may also make, ordain and establish, and put in execution, such by-laws, ordinances, rules and regulations, as shall be necessary and proper for the good government of said Company,
Proviso	and the prudent and efficient management of its affairs: <i>Provided,</i> That no by-law, ordinance, rule or regulation of said Company shall, in anywise, be contrary to the constitution and laws of this State, or of the United States: <i>And provided also,</i> Any future General Assembly may alter or amend this act.
Objects to be insured	Sec. 2. That the corporation herein and hereby created, shall have full power and lawful authority to insure all kinds of property against loss or damage by fire, or any other cause or risk; to make all kinds of insurance against loss or damage, on goods and merchandize in the course of transportation, whether on the land or on the water, on any vessels or boats, wherever they may be; to make all kinds of insurances upon life or lives; to lend money on bottomry and respondentia; to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and against any maritime or other risks upon the interest which they may have in any vessel, boat, goods, merchandize, or other property, by means of any loan or loans which they may make on mortgage, bottomry and respondentia;

and generally to do and perform all other necessary matters and things connected with, and proper to promote, these objects.

Sec. 3. That it shall be lawful for said Company to invest any part of their capital stock, moneys, funds or other property, in any public stocks or funded debt, created, or to be created by or under any law or laws of the United States, or of this or any other particular State, or in the stock of any chartered Bank in this State, or of the United States; and the same to sell and transfer at pleasure, and again to invest the same, or any part thereof, in such stocks or funds, whenever and so often as the exigencies of said corporation, or a due regard to the safety of its funds, shall require; or they may loan the same, or any part thereof, to individuals or public corporations, on real or personal security, for such periods of time, and under such restrictions and limitations, as the Directors, hereinafter mentioned, for the time being, shall deem prudent, and best for the interest of said Company: *Provided*, That it shall not be lawful for said corporation to use or employ any part of their capital stock, money, or other funds, in buying and selling goods, wares or merchandise; nor in the trade or business of Exchange Brokers: nor shall said Company issue or emit any bills of credit, as a circulating medium of trade or exchange; nor in any manner engage in the business or operations of banking, otherwise than in the purchase and sale of bank stock as aforesaid; nor make any contracts in writing, except under the seal of said corporation, for the payment of money, other than such as may be contained in their policies of insurance.

Funds of the corporation may be invested in public stock, &c

Proviso prohibiting banking, &c

Sec. 4. That the real and personal estate, business, property, funds and prudential concerns of said Company, and the administration of its affairs, shall be under the direction, management and control of a Board of fifteen Directors, who shall be stockholders and residents within this State, and citizens of the United States; and after the first election, they shall be elected by the stockholders on the second Monday of April, annually, at such time of the day, and at such place in the city of Cincinnati, as the said Directors, for the time being, shall appoint: they shall hold their offices for the term of one year, and until their successors shall be chosen; and notice of every such election shall be advertised and published for three weeks next preceding the same, in two of the newspapers printed in said city; and such election shall be by ballot, and a plurality of votes, to be received and counted in public by, and under the inspection of, three stockholders, not directors at the time, nor at any time within the year next preceding, to be previously appointed by the Board of Directors for that purpose; and at every such election, and at all other meetings of the stockholders, held in pursuance of the provisions of this act, each share shall be entitled to one

Fifteen directors to be elected annually in April

Three weeks notice of the election to be published

Voting regulated

Stockholders may vote by proxy  
Provision if election is not held on the proper day

Board of directors to elect a President, and appoint a Sec'y and subordinate officers

To make by-laws

Times of holding stated and other meetings

Manner of voting in the Board

vote; and after the first election, no share shall confer a right of suffrage which shall not have been holden by the owner thereof, and so appearing on the books of said Company, at least three calendar months previous to the day of election: any stockholder, not personally attending such election, or other regular meeting of the stockholders, and having a right to vote, may vote by proxy, such proxy being granted to a stockholder present at such election or meeting; and in case it shall so happen that an election of Directors should not be made on any day when, by this act, it ought to have been made, the said corporation shall not, for such cause, be deemed to be dissolved; but it shall and may be lawful for said Company to make an election of Directors on any other day, in such manner as may be provided for by the by-laws and ordinances of said corporation.

Sec. 5. That the Directors, duly chosen under the provisions of this act, shall, as soon as may be, after the first and every annual election, elect, from their own body, a President, who shall preside in the Board until the next annual election; and in case of his death, resignation or absence, the Board shall appoint a President, *pro tempore*: they shall fill all vacancies which may occur in their own body, during the time for which they shall be elected; and shall appoint a Secretary, and all subordinate Officers, Clerks, Agents and Servants of said corporation; fix their compensation, define their powers and prescribe their duties, who shall hold their several offices during the pleasure of the Board, under such regulations, restrictions and limitations, not inconsistent with the provisions of this act, and the by-laws, ordinances, rules and regulations of said Company, as the Directors, for the time being, shall prescribe: they shall make such by-laws, rules and regulations, for their own government, and for the management and disposition of the stock, property, estate, funds and business of said Company, and all matters appertaining thereto, as shall be needful and proper, not contrary to the provisions of this act, and the by-laws, ordinances, rules and regulations adopted at any regular meeting or meetings of the stockholders: they shall hold stated meetings as often as once in every month, on such day of the month, and at such hour of the day, as they, from time to time, shall appoint, and at such other times as the President thereof, for the time being, shall order and direct; and a majority of the whole number shall constitute a quorum, and be competent to the transaction of any business, within the scope of their powers, and connected with their official duty; and all questions before the Board shall be decided, *viva voce*, by a majority of the Directors present, any two of whom may require the yeas and nays to be taken on any proposition submitted, and entered and recorded in the journal of their proceedings; and

no vote shall be reconsidered by a less number than were <sup>Dividends to</sup> present and voting when the original vote was taken: they <sup>or made se-</sup> shall have power, and it is hereby made their duty, in the <sup>mi-annually</sup> first week of January and July, annually, to make and declare such dividends of the profits resulting from the business of said Company, as shall not impair, nor in anywise lessen, the capital stock of the same, and cause the same to be paid to the several stockholders thereof: *Provided*, That <sup>Provide</sup> no such dividend shall be paid on any stock that has not been fully paid, but shall be passed to the credit of such stock, as part payment thereof: *And provided also*, That the <sup>Further pre-</sup> State of Ohio shall have the right to assess and levy such <sup>viso</sup> amount of tax upon the dividends aforesaid, as may be deemed proper, not exceeding four per cent.

Sec. 6. That all policies or contracts of insurance, which may be made or entered into by said corporation, shall be <sup>Form of poli-</sup> subscribed by the President, or President, pro tem. or by such <sup>cies</sup> other officer as shall be designated for that purpose by its by-laws, and attested by the Secretary; and being so signed and attested, shall be binding and obligatory on the said corporation, without the seal thereof, according to the true <sup>Effect of pol-</sup> intent and meaning of such policies or contracts: and all <sup>icies</sup> such policies or contracts may be so signed and attested, and the business of said corporation may be otherwise conducted and carried on without the presence of the Board of Directors, who, for that purpose, shall divide themselves into committees of not less than two Directors each, who shall attend at the office of said Company, in weekly rotation, and who, with the President, shall have full power and authority to <sup>Policies, &c</sup> transact the current business of the corporation, subject <sup>to be attend-</sup> always to the by-laws, ordinances, rules and regulations of the <sup>ed to weekly</sup> stockholders, and to the orders and instructions of the Board <sup>by commit-</sup> of Directors: and the acts of such committee or committees <sup>tees</sup> shall be as binding and obligatory on said corporation, as if done by the Board of Directors, to all lawful intents and purposes whatsoever: and the said Directors shall, at every annual election, or other general meeting of the stockholders, lay before them a correct and particular statement of the condition and affairs of said Company: *Provided*, That <sup>Provide as to</sup> said Directors, the President, or any committee thereof, shall <sup>pay of Direc-</sup> not be entitled to any pay, compensation or emolument, for <sup>tors</sup> their services, unless voted and allowed at some general and regular meeting of the stockholders.

Sec. 7. That the stock of said Company shall be assignable and transferable, on the books of the same or otherwise, <sup>Assignment of</sup> according to such rules or by-laws, and subject to such <sup>stock</sup> restrictions and limitations, as the stockholders, at any general and regular meeting, may, from time to time, adopt and establish; and all such stock shall be held and considered in law as personal property.

Stockholders  
to meet annu-  
ally  
Other meet-  
ings of stock-  
holders may  
be called on  
three weeks  
notice

**Sec. 8.** That there shall be a general meeting of the stockholders, annually, at the time and place appointed for the election of Directors; and any number of stockholders, being the owners and proprietors of at least five hundred shares, may, at any other time, call a general meeting of the stockholders, on business interesting to the Company, by giving at least three weeks previous notice of the time, place and business of such meeting, in two newspapers printed in Cincinnati; and the stockholders present, or by proxy, at any such meeting, shall decide all questions proposed for consideration, by a plurality of votes, each share counting one vote; and may make and prescribe such by-laws, ordinances, rules and regulations, as to them shall appear needful and proper, in relation to the management of the stocks, money, estate, funds, property and effects of said Company, or the disposition or sale of the same, or the duties, powers and conduct of its Officers, Agents and Servants, and all things appertaining thereto, which shall not be inconsistent with the provisions of this act.

Six persons  
appointed to  
open books &  
receive sub-  
scriptions

**Sec. 9.** That Elisha Brigham, Michael P. Cassilly, William S. Hatch, Charles W. Gazzam, John W. Mason and William Oliver, or any three of them, be, and they are hereby authorized to open books of subscriptions in said city, for the capital stock of, said Company, on the first Monday of March next, and to keep them open every day between the hours of nine o'clock, in the forenoon, and six o'clock, in the afternoon, (Sundays excepted,) for twenty days, and until at least two thousand shares shall be subscribed for; after which time, it shall be lawful for the subscribers to meet, fifteen days notice of the time and place of such meeting being first given in two newspapers printed in said city, and choose their first Board of Directors, who shall continue in office until the next annual election; which Directors, or their successors in office, when authorized for that purpose by the stockholders, at any general meeting, may, at any time, by giving thirty days notice thereof in two newspapers printed in said city, cause the subscription books of said Company to be re-opened for such further amount of the capital stock as they may deem proper; and if at any time more than ten thousand shares shall be subscribed for, including what may have been previously subscribed, the same shall be apportioned among those applicants for said stock, whose subscriptions are for the greatest number of shares.

When 2,000  
subscribed, a  
meeting to be  
called for the  
election of di-  
rectors, &c

Manner of  
apportioning  
shares to sub-  
scribers

Payment of  
stock regula-  
ted

**Sec. 10.** That the payments of said stock shall be made and completed by the subscribers, respectively, at the times and in the manner following, to wit: At the time of subscribing, there shall be paid on each share one dollar; immediately after the first election of Directors, and before the Company shall go into operation, there shall be paid on each share the further sum of five dollars; and the balance due

on each share shall be subject to the call of the Directors; and the said Company shall not be authorized to make any policy or contract of insurance with any person as an insured, until the whole amount of shares subscribed for shall be paid, or satisfactorily secured to be paid on demand, by indorsed notes, hypothecated stocks or other property.

Sec. 11. That this act shall be taken and received in all Courts, and by all Judges, Magistrates, and other public officers, as a public act; and all printed copies of the same, which may be printed by or under the authority of the General Assembly, shall be admitted as good evidence thereof, without any other proof whatever. Authentica-  
tion

EDWARD KING,  
*Speaker of the House of Representatives.*  
SAMUEL WHEELER,  
*Speaker of the Senate.*

February 7, 1829.

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AN ACT to incorporate the Stockholders of the Bank of Geauga.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That a Bank shall be, and is hereby established, at Painesville, in the county of Geauga; the capital stock whereof shall not, for the present, exceed one hundred thousand dollars, to be divided into shares of fifty dollars each: and the subscriptions, towards constituting said stock, shall, on the first Monday of March next, be opened at Painesville, under the superintendence of Lemuel G. Storrs, Benjamin F. Tracy, Eleazer Hickcox, William S. Tracy, John Hubbard, Eleazer Paine, Samuel Wheeler, Peter Hitchcock, Warren Corning, and John H. Matthews; at Cleveland, on the same day, under the superintendence of P. M. Weddle, Leonard Case and T. P. May; and at Ashtabula, under the superintendence of Amos Fisk, Matthew Hubbard, William W. Reed, David F. Harris, and Henry Keys; who are hereby appointed Commissioners to open books of subscription at the respective places for the stock aforesaid, and who are authorized to continue said books open until the whole of the shares are subscribed. Bank estab-  
lished  
Amount of  
capital stock  
Shares thereof  
Books to be  
opened

Sec. 2. That the shares subscribed for shall be payable, one tenth part at the time of subscribing, to the said Commissioners, in specie; and the balance shall be payable, in specie, in such instalments, and at such times, as the Directors, for the time being, shall direct: *Provided,* That at least sixty days notice shall be given, previous to the day on which an instalment is required, in some newspaper printed at Painesville, Cleveland and Ashtabula. Ten per cent.  
to be paid on  
subscribing  
Provide

**Corporation created**      **Sec. 3.** That all those who shall become subscribers to said Bank, their successors and assigns, shall be, and they are hereby created and made, a body politic and corporate, by the name and style of the "President, Directors and Company of the Bank of Geauga;" and shall so continue until the first day of January, one thousand eight hundred and forty-four: and by that name shall be capable in law of holding personal and real estate, of whatever kind, nature or quality, and the same to alien, sell, dispose of, and convey; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law or equity in this State, or elsewhere; and also to have a common seal, and the same to alter or renew at pleasure; and also to ordain, establish, and put in execution, such by-laws, ordinances and regulations, as shall seem necessary for the government of said corporation, and the proper and efficient management of its concerns: *Provided*, The same are not contrary to the constitution and laws of the United States, or of this State.

**Style thereof**

**Their general powers defined**

**Proviso**

**Thirteen directors to be elected annually**      **Sec. 4.** That the stock, property and concerns of said institution shall be managed and conducted by thirteen Directors, who shall reside within the State, one of whom shall be President, who shall hold their offices for one year, and until others are chosen; each of which Directors shall be a stockholder to the amount of twenty shares, and shall be elected on the first Monday of January, of each year, at such place in Painesville as a majority of the Directors, for the time being, shall appoint; and public notice shall be given by said Directors, in the newspapers in said town, of such time and place, not more than fifty, nor less than thirty days previous to the time of holding such election: the election thus held shall be by ballot; and a stockholder may vote by himself or by proxy, and a majority of all the votes given shall be necessary to a choice: and the Directors, at their first meeting after the election, shall proceed to elect one of their number, who shall, for the time being, be eligible to the office of Director, to be their President; and four of the Directors, who shall serve as such in any one year, shall be ineligible to the office of Director for the next succeeding year; and should more than eight of the Directors, exclusive of the President, who served for the last year, be re-elected, then the election of such persons above that number, and who shall have the fewest number of votes, shall be void, and the stockholders present shall proceed to elect four Directors, who are eligible: that if any vacancies shall, at any time, happen among the Directors, by death, resignation, removal, or otherwise, such vacancy shall be filled the remainder of the year in which it may have happened, by an election to be held by the remaining Directors.

**Notice of holding elections to be given**

**Directors to elect a President of the Bank**

**Routine of office as to directors**

**Vacancies how filled**



Sec. 5. That as soon as the shares aforesaid are all subscribed, and the first instalment paid thereon, according to the provisions of this act, the Commissioners aforesaid shall give notice, in a newspaper printed at Painesville and Cleveland, that the whole of the stock has been subscribed, and that a meeting of the stockholders will be held at Painesville on the day specified in such notice, which shall not be more than fifty, nor less than thirty days from the first publication thereof, for the purpose of electing thirteen Directors, who shall hold their respective offices until the first day of January next thereafter; and said Directors shall immediately order the payment of such instalment, and make such further preparatory arrangements as they may deem necessary: *Provided*, Said Bank shall not commence banking operations until at least thirty per cent. upon the whole amount of stock hereby authorized, shall have been actually and *bona fide* paid into said Bank in specie.

First election of directors

Sec. 6. That in case it shall at any time happen that an election of Directors should not be made on the day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be dissolved; but that it shall and may be lawful on any other day to choose Directors, in such manner as shall have been, or may be, regulated by the laws and ordinances of the said corporation; the Directors, for the time being, giving not more than twenty days, nor less than five days, notice of such election.

Special election may be had for directors in certain cases

Sec. 7. That each share shall entitle the holder thereof to one vote; and after the first election, no share or shares shall confer a right of suffrage, which shall not have been holden three calendar months previous to the day of the election: stockholders, actually resident within the United States, and none others, may vote at an election by proxy, and none but stockholders may at any time serve as proxies.

Right of suffrage regulated

Sec. 8. That the Directors, before they execute any of the duties of their offices, except to choose their President, shall severally take an oath or affirmation, that they will faithfully, diligently and honestly perform the duties of their respective offices, according to the best of their skill and abilities, and that they will not be concerned in said Bank, either as drawers or endorsers of notes to a greater amount than one-half the capital by them subscribed, and actually paid in said Bank; which oath or affirmation, either of the Directors is hereby authorized to administer to the President; and then the President shall be, and is hereby authorized to administer to the other Directors, and to all such other Officers, Clerks and Servants of the said corporation, who, by the ordinances and laws of the said corporation, may be required to take an oath or affirmation for the faithful execution of the duties of their respective offices or stations.

The directors to take an oath

Dividends,  
when & how  
made

Sec. 9. That it shall be the duty of the Directors to make a dividend of so much of the profits of said Bank, as to them, or a majority of them, shall appear advisable, on the first days of January and July, annually; and shall also, on the first day of January, biennially thereafter, make a dividend of the surplus profits, if any, after deducting losses and dividends: if there should at any time be a failure of payment in any part of the sum subscribed by any person, the party failing shall lose the benefit of any dividend which may have accrued prior to the making such payment, and during the delay of the same: *Provided*, That no such dividend shall be paid on any stock upon which an instalment has been ordered and not fully paid, but shall be passed to the credit of such stock, towards payment thereof: *Provided always*, That no such dividend shall at any time impair the capital stock.

Proviso

Compensation of President, &c. how allowed  
Six directors to be a quorum

Sec. 10. That no President, or other Director, shall be entitled to any emolument for their services, unless the same shall have been allowed by the stockholders at a general meeting: six Directors shall constitute a Board for the transaction of business, of whom the President shall be one, except in case of sickness or necessary absence; in which case the Directors present shall appoint one of their own body to act as President, pro tempore.

General meetings of stockholders, how called

Sec. 11. That a general meeting of the stockholders may be called whenever the Directors, or a majority of them, shall judge proper; of which meeting the Directors shall give three weeks previous notice, in the newspapers printed at Painesville, Ashtabula and Cleaveland, and specifying in such notice the object or objects of said meeting.

Transfer of stock regulated

Sec. 12. That the stock of said corporation shall be assignable and transferable in such manner as the rules and by-laws thereof may prescribe; but an assignment or transfer shall not be valid until such assignment or transfer shall have been entered or registered in the books of said Bank; nor shall any stockholder be capable of assigning or transferring his, her or their stock in said Bank, until all notes and demands due, or that may thereafter become due, to the said corporation, from such stockholders, either as drawer or endorser of any note or bill, or otherwise, shall have been first paid and discharged.

Issues of bills restricted

Sec. 13. That the total amount of debts, at any time and in any manner, due by the said corporation, shall not, exclusive of deposits, exceed twice the amount of capital stock subscribed and actually paid into the Bank; and in case of any excess, the Directors, under whose administration the same may have happened, excepting those who dissented therefrom, or were not present when the same did happen, shall, in their individual and private capacities, be liable for

Penalty on directors for a breach of this provision

such excess, and the real and personal estate of said corporation shall likewise be liable therefor: *Provided*, That the personal and real property of each and every stockholder shall be liable for the payment of any debt, due by said corporation, to the full amount of stock by them respectively subscribed or owned. Proviso

Sec. 14. That the bills, exclusive of post notes, issued by said corporation, shall be transferable by delivery, and vest the holder thereof with the right of action in his own name: and the said Bank shall at all times be subject to, and shall pay into the State Treasury, the same amount of tax that now is, or may hereafter be, by law required of other Banks within this State. Bank to pay tax as other banks do

Sec. 15. That the said corporation shall not hold or possess, in their own right, or in trust for the use of any other person, any more lands and tenements than is absolutely necessary for the requisite buildings, except the same shall be held by mortgage, to secure the payment of some debt previously due said Bank, or shall have been purchased at public sale upon an execution or executions, issued in favor of said Bank, or which shall have been conveyed to it, or received in payment of any previous debt or debts. Right of holding property restricted

Sec. 16. That every Cashier and Clerk, before he enters upon the duties of his office, shall give bond, with two or more securities, to the satisfaction of the Directors, with condition for the faithful discharge of his duty: and it shall be the duty of the Cashier, on or before the first Monday in December, annually, to make, and forward to the Auditor of State, a statement of the amount of capital stock actually paid in, the amount of gold and silver in the vaults, the amount of deposits, the amount of bills and redeemable funds of other Banks, the amount of debts due said Bank, and the amount of its own bills in circulation; which statement shall be sworn to and subscribed by the President and Cashier, which shall have three insertions in some newspaper published in Columbus and Painesville, at the expense of said Bank. Cashier to give bond, &c  
Statement to be made out, sworn to, and sent to Auditor or annually, and also published

Sec. 17. That the stockholders may augment, at any time hereafter, the capital stock of said Bank, at a special meeting called for that purpose, two-thirds of all the votes being given therefor, under such regulations, restrictions and conditions as they shall, at such meeting, judge proper, to any amount not exceeding one hundred and fifty thousand dollars, exclusive of the stock hereby authorized. Capital stock may be augmented

Sec. 18. That the said corporation shall not take more than at the rate of six per centum per annum, in advance, on its loans or discounts. Six per cent. to be taken on loans

Sec. 19. That this present act of incorporation shall in nowise be forfeited for any nonuser whatsoever, at any time before the second Monday in January next.

Authentica-  
tion

Sec. 20. That this act be, and is hereby declared a public act; and the same shall be construed, in all Courts and places, benignly and favorably, for any beneficial purposes thereby intended.

EDWARD KING,  
*Speaker of the House of Representatives.*  
SAMUEL WHEFLER,  
*Speaker of the Senate.*

February 10, 1829.

AN ACT to amend the act, entitled "An Act to provide for the sale of section sixteen, granted by Congress for the use of schools."

Duty of the  
county assess-  
ors to ap-  
praise certain  
lands

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all cases where the sale of section sixteen, or other lands in lieu thereof, for the use of schools, has been directed by law, and the Assessor of the county in which such land is situated has, from any cause, failed to make valuation thereof, according to the provisions of the eighth section of the act to which this is an amendment, such valuation shall be made by such Assessor between the first day of March and the first day of June next: and the Auditor of the county in which such is situated, shall proceed to sell the same as soon after such valuation shall be made as practicable, in conformity with the provisions of the aforesaid act.

Privilege of  
persons hold-  
ing small  
parts of a sec-  
tion

Sec. 2. That in all cases where a less quantity than a half quarter section of said lands is held by permanent lease, and the owner of such lease surrenders the same, and takes a certificate of purchase, in conformity with the provisions of the act to which this is an amendment, he may, at the same time, if not already sold, purchase the residue of such half quarter section, at the valuation thereof made by the Assessor; and if a part of two half quarter sections be held by such lease, the owner thereof, on surrendering the same as aforesaid, may purchase the residue of both of such half quarter sections as aforesaid.

School lands  
in refugee  
tract may be  
sold

Sec. 3. That the act to which this is an amendment, and the "Act directing the sale of sundry sections sixteen, for the use of schools," passed January nineteenth, eighteen hundred and twenty-eight, shall be construed to authorize the sale of the lands set apart for the use of schools in that tract of country commonly called "The Refugee Tract;" and said acts shall not be construed to authorize the Auditor of any county to sell any school lands not situated in his county, although the same may belong to some township within his county; but such lands shall, in all cases, be valued by the Assessor, and sold by the Auditor of the county in which the same are situated.

Auditor not  
to sell lands  
out of his  
county

Sec. 4. That if any person, who shall receive a certificate of purchase for any land, under the provisions of the second section of this act, or the seventh section of the act to which this is an amendment, shall be desirous of completing the payment for such land within a less time than that prescribed by the last named act, he shall be allowed to complete such payment at any time, by paying the interest on the purchase money from the time of surrendering such lease up to the time of paying the same. Persons permitted to make paym't before due

Sec. 5. That the south half of the southeast quarter of section sixteen, in township seventeen, and range seven, in the county of Stark, shall be appraised by the Assessor of said county, at its true value in its present state; and when so valued, the legal holder of the temporary lease, for said half quarter section, may surrender the same, and take a certificate of purchase for said land, at the valuation so made by the Assessor, in the same manner as he might do if he held said land by a permanent lease. Provision for a half section in Stark c'ty

Sec. 6. That sections fifteen, in the townships of Hope well and Thorn, in the county of Perry, shall be valued by the Assessor of Licking county; any thing in this, or any other law, to the contrary notwithstanding: and when such lands shall be so valued, the lessees thereof may, within one year from the passage of this act, surrender their leases to the Auditor of Perry county, and take certificates of purchase at such valuation, in the same manner as the holders of permanent leases are authorized to do. Provision for lands in Perry county

EDWARD KING,  
*Speaker of the House of Representatives.*  
SAMUEL WHEELER,  
*Speaker of the Senate.*

February 11, 1829.

AN ACT in addition to the act, entitled "An Act to incorporate and establish the city of Cincinnati, and for repealing all laws and parts of laws heretofore enacted on that subject," passed the twenty-sixth day of January, in the year eighteen hundred and twenty-seven.

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That the City Council of said city, be, and they are hereby authorized and required, at the expense of said city, to provide for the support of common schools therein; and for such purpose shall, by an ordinance to that effect, in the month of May next, cause the said city to be divided, by territorial limits and bounds, into ten school districts, two in each ward, in such manner as shall be most convenient, having due regard to the present and future population of each; and may, from time to time, make such alterations of the limits and boundaries thereof, as shall more effectually se- City council to lay off the city into ten school districts

**Provide**

cure to each District equal advantages and accommodations, for the education of the children therein; any law, usage or custom to the contrary notwithstanding: *Provided*, That no District shall, at any time, be formed of parts of any two wards.

**To purchase a lot & erect a school house in each district**

**Sec. 2.** That the said City Council be, and they are hereby authorized and required, on or before the first day of July next, or so soon thereafter as may be necessary, to purchase, in fee simple, or to receive, as a donation, for the use of said city, and at the expense of the same, in each of said School Districts, a suitable lot of land, in some central and convenient situation, as a site for a school house therein, and, at any time within two years thereafter, to cause to be erected thereon a good and substantial school house, the walls of which to be composed entirely of brick or stone, and mortar, with a cellar under the whole, to be two stories high, containing two school rooms therein, and of such dimensions and capacity as shall be proper and convenient for the use of common schools in said city: and to defray the necessary expenses of the building and construction of said school houses, which shall all be of the same size and dimensions, as also to pay the purchase money for the lots of land on which the same shall be erected: it shall be lawful, and it is hereby made the duty of said City Council, annually, to levy, or cause to be levied, in addition to the other taxes of said city, a tax of one mill on the dollar, upon all property in said city, valued or appraised, and liable and subject to taxation for State and county purposes, until a sufficient sum shall be raised and collected from such tax, to meet all the expenses which shall be incurred for the purchase of lots of land, and for the erection of the school houses aforesaid: *Provided*, It shall be lawful for said City Council to borrow any sum or sums of money, at a rate of interest not exceeding six per cent. per annum, as may be sufficient and necessary for the purchase of the lots of land and the erection of the school houses aforesaid, and to refund or pay the same, as the tax aforesaid shall be collected; and the said tax is hereby made a special and inconvertible fund for that purpose.

**Tax to be levied for the cost of houses**

**Provide**

**An annual tax to be levied for the support of schools in the city**

**Sec. 3.** That for the purpose of more effectually supporting common schools in said city, and to secure the benefits and blessings of an education to all the children therein, it shall be the duty of said City Council, annually, to levy, or cause to be levied and collected, a tax of one mill on the dollar, in addition to such tax as may be levied by, or under the authority of the State, for that purpose, upon all property in said city, valued and appraised, and liable and subject to taxation for State and county purposes; which tax, together with such as may be levied and collected in the township of Cincinnati for such purpose, shall be exclusively appropriate

red to defray the expenses of teachers, and for fuel, for said schools, and for no other purpose whatever: *Provided*, That *Provided* said schools, in the several Districts of said city, shall, at all times, be equally free and accessible to all the children, of a proper age, who may reside therein, and subject only to such regulations, for their government and instruction, as the Trustees, hereinafter mentioned, may, from time to time, prescribe: *Provided also*, That nothing in this act contained shall be so construed as to permit black or mulatto persons to attend said schools, or either of them, or to receive instruction therein; but all taxes assessed on the property of black or mulatto persons in said city, or in the township of Cincinnati, for school purposes, shall be appropriated as the Trustees and Visitors, hereinafter mentioned, may direct, for the education of black or mulatto persons in said city, and for no other purpose whatever. *Proviso as to black and mulatto persons*

Sec. 4. That all moneys heretofore levied and collected in the township of Cincinnati, for the use of common schools therein, and remaining on hand and unexpended on the first Monday of March next, whether in the hands of the County Treasurer, or in the hands of any other person or persons, shall then be paid over to the City Treasurer: and all moneys hereafter levied and collected in said city, and in the township of Cincinnati, for the support of common schools, as, also, all other moneys appropriated, by law, for the use of schools therein, shall be paid into the City Treasury; and a separate and particular account of the receipts and expenditures thereof, shall be kept by the Treasurer, in a book to be provided for that purpose; and the said City Treasurer shall not be entitled to receive any per centage, premium or other compensation, for receiving and paying out the same, and for keeping the accounts thereof. *Disposition of school funds now on hand*

Sec. 5. That the qualified voters of each ward in said city, on the first Monday of April, annually, at the time and place of choosing Trustees thereof, shall elect one judicious and competent person, having the qualifications of a Trustee for such ward, as a Trustee and Visitor of common schools in said city; which Trustees and Visitors, elected as aforesaid, shall constitute and be denominated "The Board of Trustees and Visitors of Common Schools, in Cincinnati," who shall hold their office for one year, and until their successors shall be chosen and qualified, and fill all vacancies which may occur in their own body during the time for which they shall be elected: they shall have the general superintendence of all the common schools in said city, and, from time to time, make such regulations, for the government and instruction of the children therein, as to them shall appear proper and expedient: they shall appoint and employ the teachers and instructors for the same, and visit each and every such school as often as once in every month: *A trustee and visitor of common schools to be elected in each ward of the city in April annually Powers and duty of the board of trustees and visitors of common schools*

Continued

they shall cause at least one school to be kept in each ward, for the term of six months, in each year, between the fifteenth day of March and the fifteenth day of October, by some competent and suitable female teacher, for the instruction of children under twelve years of age, in reading, spelling, writing and arithmetic: they shall, in the month of March, annually, cause an accurate census to be taken of all the children residing in the several Districts, between the ages of four and sixteen years, and require of the several teachers and instructors thereof to keep a record of the names and ages of all persons by them, respectively, instructed, and the time each shall have attended said schools, and return such record, or a copy thereof, to the Board of Trustees and Visitors at the close of each and every current year: they shall certify to the City Council, for their allowance, the correctness of all accounts for expenses incurred in the support of said schools; and within one year, next preceding such employment as teachers, give certificates thereof to the persons entitled to receive payment for the same: they shall, at the close of every current year, report to the City Council the state and condition of the several common schools in said city, as well the fiscal as the other concerns in relation thereto, and a particular account of their administration thereof; and generally do and perform all other matters and things pertaining to the duties of their said office, which may be necessary and proper to be done, to promote thy education and morals of the children instructed in said schools, or which may be required of them by the ordinances of said city, not inconsistent with the provisions of this act: *Provided*, That no person shall be employed as a teacher or instructor in any of said schools, until he or she shall have been first examined by a majority of the Board of Examiners and Inspectors, hereinafter mentioned, and obtained from at least four of said Examiners and Inspectors, a certificate of qualifications, as to his or her competency and moral character: and nothing in this act shall be so construed as to prevent children, under twelve years of age, from attending any other of said schools, within their respective Districts, than such as may be taught by female teachers.

Provide as to  
the examina-  
tion of teach-  
ers

The board of  
trustees and  
visitors to ap-  
point exam-  
iners and in-  
spectors of  
common  
schools

Sec. 6. That it shall be the duty of said Trustees and Visitors to appoint six persons, residents and citizens of said city, of competent learning and abilities, as Examiners and Inspectors of said schools, and of the qualifications of the teachers thereof; which Examiners and Inspectors shall constitute and be denominated "The Board of Examiners and Inspectors of Common Schools, in Cincinnati," who shall hold their office for the term of three years, but shall be so clas- sed by the Trustees and Visitors, on their first appointment, as that the term of two of them shall expire every year; and



all vacancies which may occur in said Board shall be filled, for the time being, by said Trustees and Visitors: it shall be the duty of said Board of Examiners and Inspectors to examine the qualifications, competency and moral character of all persons desirous of becoming teachers and instructors in said schools, or any of them, and to grant certificates thereof to such as, in their opinion, may be entitled to receive the same: they shall, from time to time, and as often as they may deem proper, strictly examine all said schools, the discipline and course of instruction in each, the conduct of the several instructors and teachers therein, and the progress of improvement by the students and pupils thereof: and shall make report of all their proceedings, and of all matters pertaining to the duties of their said office, as often as once in three months, to the Board of Trustees and Visitors, and suggest and recommend such alterations and improvements in the government, discipline and instruction of said schools, and in the administration of the affairs of the same, as in their judgment will more effectually advance the cause of education and good morals therein, and promote the objects contemplated by this act.

Sec. 7. That the said City Council shall, in the course of the year eighteen hundred and twenty-nine, fix, by ordinance, the commencement and termination of the current year of said common schools, and determine the times and duration of all vacations thereof, which shall be the same throughout said city: they shall provide for an annual examination of all said schools, at the close of the current year, by the Mayor, the several Boards of Trustees and Examiners, and by such Committee, from their own body, as they shall appoint; and they are hereby authorized and empowered to appropriate, annually, from the funds of said city, the sum of one hundred dollars, to be expended in premiums to those scholars who may have made the greatest improvements and proficiency in learning in said schools; which premiums, either in suitable books or medals, shall be awarded and presented by the Mayor, and the Boards of Trustees and Examiners; but no premium or medal shall exceed the value of five dollars.

Sec. 8. That all school houses erected in any of the School Districts, heretofore laid off and established in said city, together with the lots of land on which the same may be situate, or such interest or estate therein as may have vested in such district or districts, or in the directors thereof for the use of such district or districts, shall be vested in, and become the property of said city, to all intents and purposes whatsoever; and it shall be the duty of said City Council, to provide for refunding all moneys heretofore assessed and paid, for the erection of school houses therein, and for the purchase of land or sites therefor, under any law.

Provide

Further proviso for leasing school houses for present use

City Council to certify to the County Auditor the per cent. to be levied for schools

Duty of the Auditor

Collection of taxes

Proviso as to Auditor's compensation

Repealing clause  
Certain actions transferred from the City Court to the Court of Com. Pleas

of this State, to such person and persons as may be entitled to receive the same, deducting ten per cent. therefrom: *Provided*, That no such money shall be refunded that is not claimed and demanded of the City Council within one year from the taking effect of this act: *And provided also*, That the City Council may, at their discretion, at any time previous to the erection of the school houses as provided for in the second section of this act, lease on such terms and conditions as they may think proper, in the several school districts of said city, and for such time only as shall be necessary, convenient buildings for the use of common schools therein, to be occupied as such no longer than until said school houses shall be erected and prepared for the reception of such schools.

Sec. 9. That the said City Council are hereby authorized and required, to pass all ordinances necessary and proper to carry into effect the preceding provisions of this act; and they are, also, hereby authorized and required to cause to be certified to the Auditor of the county of Hamilton, on or before the second Monday of June, annually, the per centage by them levied upon all property in said city, valued or appraised, and liable and subject to taxation for State and county purposes, as corporation, school house, and school taxes: and the said County Auditor is hereby authorized and directed to place the same on the duplicate of taxes for said county, in the same manner as township taxes now are by law placed on such duplicate; which said city taxes shall be collected by the County Treasurer of said county, and paid into the City Treasury, in the same manner, with the same powers and restrictions, and under the same regulations, and in all things, as to the sale of real or personal property therefor, he shall be authorized, as he is hereby required, to act according to the provisions and requisitions of the law for the collection of taxes for State and County purposes: *Provided*, That the said County Auditor shall be entitled to receive from said city, the sum of fifty dollars, annually, for his services under this section; and the said County Treasurer shall be entitled to charge and receive the same fees on all moneys by him collected and paid into the City Treasury of the city taxes as aforesaid, as he is by law entitled to receive for collecting and paying out moneys for State and county purposes.

Sec. 10. That the nineteenth section of the act to which this is in addition, be, and the same is hereby repealed; and all civil actions, suits, causes, motions, matters and things, which may be pending in the City Court of the city of Cincinnati, and which may remain therein undetermined, on the taking effect of this act; and all writs, executions and other processes in civil causes, returnable to, and which would have had day therein, had not this act been passed, shall have day in, and be fully acted upon, by the Court of Com-

upon Pleas in and for the county of Hamilton; and all parties, witnesses and others, who would have been held to appear, after the taking effect of this act, to and before the said City Court, shall be holden to appear at the next Court of Common Pleas for said county of Hamilton: and the said Court of Common Pleas shall have full power and lawful authority to grant any execution to carry into effect any judgment rendered in said City Court, in the same manner as said City Court might, had not this act been passed: and in all cases where the Mayor shall render judgment for the violation of any ordinance of said city, the defendant or defendants shall have liberty, within ten days thereafter, to appeal to the Court of Common Pleas for the county of Hamilton, by giving bond to said city, with at least one sufficient surety, acceptable to the Mayor, in double the amount of such judgment and costs, conditioned for the payment of the debt, damages, penalty and costs, which shall be recovered against him, her or them, in the said Court of Common Pleas: which appeal, when perfected by giving bond as aforesaid, shall entitle the party appealing to the same rights and privileges, subject to the same conditions, restrictions and limitations, as by the laws of this State pertain to parties appealing from the judgment of Justices of the Peace to the Courts of Common Pleas.

Proceedings thereon

Sec. 11. That the fifteenth section of the act to which this is in addition, and so much of the seventh section thereof, as authorizes the City Council to contract any loan or loans of money, debt or debts, by and with the consent of the qualified voters of said city, be, and the same are hereby repealed; and the said city shall be allowed the use of the County Jail of said Hamilton county, for the confinement of all persons liable to imprisonment under the ordinances of said city, or convicted before the Mayor for a violation of the same: and all persons, so imprisoned, shall be under the charge of the Sheriff of said county, who shall receive and discharge such persons, in and from said Jail, in such manner as shall be prescribed by the ordinances of said city, or by due course of law.

Certain sections repealed

Sec. 12. That from and after the taking effect of this act, it shall not be lawful for said City Council, nor any member thereof, to charge or receive any fee, reward or compensation for his services as such, nor make or authorize any allowance, fee, reward or compensation to any person or persons for auditing accounts against said city, or performing the duty of Auditor thereof; any law, ordinance or resolution to the contrary notwithstanding.

The City allowed the use of the jail of the county

Members of the City Council and Auditor of accounts not entitled to any compensation

Sec. 13. That all laws, and parts of laws, inconsistent with the provisions of this act, be, and the same are hereby repealed.

Repealing clause

Commence-  
ment

This act shall take effect, and be in force from and after the first day of March next.

EDWARD KING,  
*Speaker of the House of Representatives,*  
SAMUEL WHEELER,  
*Speaker of the Senate.*

February 12, 1829.

AN ACT supplementary to the several acts authorizing the surrender of leases by the lessees of the United States' Military School Land, and amendatory of the act providing for the sale of said land.

Three com'rs  
appointed to  
appraise  
school land in  
Guernsey  
county

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Thomas Henderson, Stephen Ballard and Samuel Bigger of the county of Guernsey, be, and they are hereby appointed Commissioners, whose duty it shall be to proceed, forthwith, to view and appraise such of the lands appropriated for the use of schools within the United States' Military District, situate in the said county of Guernsey, as have not been appraised under the provisions of the seventh section of the act, entitled "An Act to amend the act, entitled 'Act Act to provide for obtaining the consent of the inhabitants of the United States' Military District, to the sale of lands appropriated for the support of schools within said District, and to authorize the lessees of said lands to surrender their leases, and receive certificates of purchase, and for other purposes,'" passed December thirty-first, eighteen hundred and twenty-seven: and in making such appraisement, said Commissioners shall be governed, in all respects, by the provisions of the said recited act, and shall receive the same compensation for their services, as is given to appraisers by the said act.

Treasurer of  
Guernsey to  
sell the land  
on receiving  
the appraisement

Sec. 2. That so soon as the said Commissioners, named in the first section of this act, shall have made and delivered to the Treasurer of said Guernsey county, a list of their appraisements, it shall be the duty of the said Treasurer to proceed to the sale of said lands: and in making such sale, he shall be governed, in all respects, by the provisions of the act, entitled "An Act to provide for the sale of the lands appropriated for the use of schools within the United States' Military District," passed February eleventh, eighteen hundred and twenty-eight.

Co. Treasurers to perform  
the duties in  
selling land  
heretofore  
done by the  
Co. Auditors

Sec. 3. That from and after the passage of this act, all the duties required to be performed by the Auditors of the several counties within the United States' Military District, by the act entitled "An Act to provide for the sale of the lands appropriated for the use of schools within the United States' Military District," shall be performed by the Treas-

titlers of the said counties, or by such other persons as have or may be appointed to receive the surrender of leases, and grant certificates of purchase, under the provisions of the acts to which this is supplementary: and it shall be the duty of the said County Auditors to deliver over to such Treasurers, or other persons appointed as aforesaid, all books and papers in their possession, relating to any sales by them heretofore made. Auditor to deliver over books to Co. Treasurer

Sec. 4. That the legal or equitable assignee of any lessee of any part of the said school lands, may file with the Treasurer of any of the said counties, or other person appointed as aforesaid, evidence of his right and title to such land; and may also file his declaration with such Treasurer, or other person, as the case may be, relinquishing to the State of Ohio all the right, title, interest and estate of such assignee to any of said lands: and, thereupon, it shall be the duty of the Treasurer, or such other person as may be appointed for that purpose, as aforesaid, to grant to such assignee a certificate of purchase for any quantity of land so held by such assignee, as aforesaid, upon the terms prescribed in the acts to which this is supplementary, without requiring of such assignee the surrender of the original lease: *Provided*, That the said Treasurer, or other person appointed for that purpose, as aforesaid, shall be first satisfied that such lease has been duly granted. Lessees may relinquish lease and take a certificate of purchase

Sec. 5. That the lessees of any of said lands, or their assignees, shall be entitled to the benefit of all the provisions of the acts to which this is supplementary, in surrendering their leases and receiving certificates of purchase. *Provided*, Application be made for that purpose on or before the first day of January, A. D. eighteen hundred and thirty. Privilege of lessees

Sec. 6. That in all cases, in which leases of any of the said lands shall have been heretofore, or which shall hereafter be, surrendered, and certificates of purchase have been or shall be granted, the first instalment shall be due and payable at the time of granting such certificate, and the remaining instalments shall become due and payable in nine equal annual instalments, from and after the date of each of the said certificates; any thing in the act, of which this is amendatory, to the contrary notwithstanding. Instalments of purchase money

Sec. 7. That the privilege given by the acts to which this is supplementary, to the holders of temporary leases, which have expired, to surrender the same, and take certificates of purchase, shall be exercised by none but the holders of the latest leases, in those cases where more than one temporary lease has been granted for the same land: and all persons, within the United States' Military District, who have obtained orders of court for any part of said school lands, and are now in possession of the same, although the leases so ordered have not been executed, shall, on surren- Lessees in certain cases may surrender their right and take certificates of purchase

dering their right to said land, be entitled to receive certificates of purchase therefor, in the same manner as though such leases had been executed; any law to the contrary notwithstanding.

Provision in  
favor of Eli-  
sha Stout of  
Licking Co.

Sec. 8. That the Agent appointed to superintend the sales of the United States' Military School Lands, within and for the county of Licking, be, and he is hereby authorized to grant certificates of purchase to Elisha Stout, for lot numbered twelve, in the fourth section, of the fourth township, and twelfth range, in the said county of Licking, agreeably to the several acts for the surrender of leases, and granting certificates of purchase for said lands: *Provided*, That the said Elisha Stout shall first produce to the said Agent satisfactory evidence of his right to receive said certificate.

Proviso

EDWARD KING,  
*Speaker of the House of Representatives.*  
SAMUEL WHEELER,  
*Speaker of the Senate.*

February 10, 1829.

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AN ACT to incorporate and establish the Commercial Bank of Cincinnati.

Style of the  
corporation

Amount of  
capital stock

Continuation  
of the Bank

Their general  
powers de-  
signed

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be, and hereby is established, in the city of Cincinnati, a Bank, by the name of "The Commercial Bank of Cincinnati," with a capital stock of five hundred thousand dollars, to be divided into shares of one hundred dollars each, and subscribed and paid for by individuals, companies or corporations, in the manner hereinafter mentioned and specified; which subscribers and stockholders shall be, and hereby are, created a body politic and corporate, by the name and style of "The President, Directors and Company of the Commercial Bank of Cincinnati;" and shall so continue such body corporate and politic, from the first day of April next until the first day of January, which will be in the year one thousand eight hundred and forty-four; and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and in all matters whatsoever; with full power and authority to acquire, hold, possess, use, occupy and enjoy, and the same to sell, convey and dispose of, all such real estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said Bank as collateral security for, or received in payment of, any debt which may become due or owing to the same, or

in satisfaction of any judgment of a court of law, or any order or decree of a court of equity, in their favor: and may have and use a common seal, and the same alter, change, break and renew, at pleasure; and may also make, ordain and establish, and put in execution, such by-laws, ordinances, rules and regulations, as shall be necessary and proper for the good government of said Bank, and the prudent and efficient management of its affairs: *Provided*, That no by-law, ordinance, rule or regulation of the same shall in anywise be contrary to the constitution and laws of this State, or of the United States.

Sec. 2. That said Bank shall have and keep an office of Discount and Deposit, in said city of Cincinnati, and at no other place, where its banking business shall be transacted, and its books of accounts, journals and records shall be kept: and it shall be lawful for said Bank to loan money, buy, sell and negotiate bills of exchange, checks and promissory notes, and to discount, upon banking principles and usages, bills of exchange, post-notes, promissory notes, and other negotiable paper or obligations, for the payment of a sum of money certain; to issue bills or bank notes, payable to bearer, on demand, and at the Office of Discount and Deposit, and to draw and issue post-notes, bills of exchange, on individuals, companies or corporations, payable to order, and at such place, and at such time or day as the Directors, for the time being, shall deem expedient: *Provided*, That it shall not be lawful for said Bank to issue any bills, notes, checks, or orders, payable to bearer, other than such as are made payable on demand, and at its Office of Discount and Deposit; nor shall it issue any bills, notes, checks, orders, tickets, or other paper, payable to bearer, or otherwise, for a less sum or denomination than one dollar, nor of a less denomination than five dollars, other than those of one, two, and three dollars.

Sec. 3. That the total amount of debts which the said Bank shall, at any time, owe, whether by bond, bill, note or other contract, shall not exceed twice the amount of the capital stock actually paid in, exclusive of the sums due on deposits; and in case of excess, the Directors, under whose administration it shall happen, shall be liable for the same in their natural and private capacities, in an action of debt against them, or any of them, their or any of their respective heirs, executors or administrators, in any court proper and competent to try the same, by any creditor or creditors of said Bank, and may be prosecuted to judgment and execution; any condition, covenant or agreement to the contrary notwithstanding: but this shall not be construed to exempt said Bank, or the lands, tenements, goods, chattels, or funds of the same, from being also liable for, and chargeable with such excess; and any Director or Directors who may be ab-

*Provided*

The banking  
powers of cor-  
poration  
defined

Debts due by  
the Bank not  
to exceed  
twice the  
amount of the  
capital stock

Proceedings  
against direc-  
tors who err  
in this respect

Directors dissenting to give notice

sent when such excess is contracted or created, or who may have dissented from the resolution or act whereby the same was contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact of their absence or dissent, to the Auditor of State, and to the stockholders at a general meeting, which they shall have power, and it is hereby made their duty, immediately to call for that purpose, by giving ten days notice thereof, in two newspapers printed in said city of Cincinnati.

Proceedings against the Bank for refusing to redeem these notes &c.

Sec. 4. That said Bank shall not, at any time, suspend or refuse payment, in gold or silver, of any of its notes, bills or other obligations, due and payable, or of any moneys received upon deposits: and in case the officers of the same, in the usual banking hours at the Office of Discount and Deposit, shall refuse or delay payment, in gold or silver, of any note or bill of said Bank, there presented for payment, or the payment of any money previously deposited therein, and there demanded, by any person or persons entitled to receive the same, said Bank shall be liable to pay, as additional damages, at the rate of twelve per centum per annum, on the amount thereof, for the time during which such payment shall be refused or delayed: and in all cases where payment of any such debt shall have been so refused or delayed, any stockholder who may not have paid the full amount of the shares by him owned, shall be liable, in his individual capacity, to the creditor to the amount of the debt due such creditor, not exceeding the amount of the said shares remaining unpaid.

Thirteen directors to manage the Bank and who are to be elected by the stockholders

Sec. 5. That the real and personal estate, business, property, funds and prudential concerns of said Bank, and the administration of its affairs, shall be under the direction, management and control of a Board of thirteen Directors, who shall be stockholders to the amount of not less than ten shares each, and residents within the State, and citizens of the United States: and after the first election, they shall be elected by the stockholders on the first Monday of May, annually, at such time of the day, and at such place in the city of Cincinnati, as the said Directors, for the time being, shall appoint: they shall hold their offices for the term of one year, and until their successors shall be chosen: and notice of every such election shall be advertised and published, for three weeks next preceding the same, in two of the newspapers printed in said city, and shall be by ballot, and a plurality of votes, to be received and counted in public, by, and under the inspection of three stockholders, under oath, and not Directors at the time, nor at any time within the year next preceding, to be previously appointed by the Board of Directors, for that purpose: and at every such election, and at all other meetings of the stockholders, held under the provisions of this act, each and every stockholder shall be enti-

Notice of election of directors

Election of stockholders how conducted



tied to one vote for each share he may hold in his own right, up to twenty shares, and one vote for every five shares he may own above that number; but in no case shall any stockholder be entitled, in his own right, to more than fifty votes: and after the first election, no share shall confer a right of suffrage which shall not have been holden by the owner thereof, and so appearing on the books of said Bank, at least three calendar months previous to the day of election: any stockholder, not personally attending such election or other regular meeting of the stockholders, and having a right to vote, may vote by proxy, such proxy being granted directly to a stockholder present at such election or meeting: *Provided*, That no Director of any other Bank, nor <sup>Proviso as to</sup> partner of such Director, shall be eligible to the office of <sup>qualifications</sup> Director of this Bank, although he may be a stockholder of directors therein: and any Director, accepting an office in any other Bank, or becoming a partner of any officer of another Bank, shall be deemed to have vacated his place in this Bank: *And provided further*, That in case it shall so happen that an <sup>Further pro-</sup> election of Directors should not be made, on any day when, <sup>viso as to</sup> by this act, it ought to have been made, this corporation shall <sup>elections</sup> not, for such cause, be deemed to be dissolved; but it shall and may be lawful for said stockholders to make an election of Directors on any other day, in such manner as may be provided for by the by-laws and ordinances of said Bank.

Sec. 6. That the Directors, duly chosen under the provisions of this act, shall, as soon as may be, after the first <sup>Directors to</sup> and choose a <sup>President annually</sup> President annually, every annual election, elect, from their own body, a President, who shall preside in the Board until the next annual election; and in case of his death, resignation or absence, the Board shall appoint a President, pro tempore: they shall fill all vacancies which may occur in their own body during <sup>Vacancies</sup> the time for which they shall be elected; and shall appoint a <sup>how filled</sup> Cashier, and all subordinate Officers, Clerks, Agents and <sup>Cashier &c to</sup> Servants of said Bank, fix their compensation, define their <sup>be appointed</sup> powers and prescribe their duties, who shall give such bonds, <sup>and removed</sup> and in such penal sums, with such conditions and with such sureties as the said Directors shall prescribe, and hold their several offices during the pleasure of the Board, under such regulations, restrictions and limitations, not inconsistent with the provisions of this act, and the by-laws, ordinances, rules and regulations of said Bank, as the Directors, for the time being, shall prescribe: they shall make such by-laws, rules and regulations, for their own government, and for the management and disposition of the property, estate, funds and business of said Bank, and all matters appertaining thereto, as shall be needful and proper, not contrary to the provisions of this act, and the by-laws, ordinances, rules and regulations adopted at any regular meeting or meetings of the stockholders: they shall hold stated meetings as often as once in

Directors to  
meet weekly  
A majority to  
form a quorum

Voting in the  
board

Dividends to  
be declared  
semi annually

Proviso re-  
serving the  
tax on divi-  
dends to the  
State

Provision re-  
stricting divi-  
dends until  
1831 &c

Proviso as to  
stock not  
fully paid  
Provision to  
prevent divi-  
dends impair-  
ing the capi-  
tal stock &c  
Directors  
liable

Directors lia-  
ble

every week, on such day, and at such hour of the day, as they, from time to time, shall appoint, and at such other times as the President thereof shall order and direct; and a majority of the whole number shall constitute a quorum, and be competent to the transaction of any business within the scope of their powers, and connected with their official duty: and all questions before the Board shall be decided viva voce, by a majority of the Directors present, any two of whom may require the yeas and nays to be taken on any proposition submitted, and entered and recorded in the journal of their proceedings: and no vote shall be reconsidered by a less number than were present and voting when the original vote was taken: they shall, on the first Mondays of January and July, annually, make and declare such dividends, resulting from the profits of said Bank, as shall not impair, nor in anywise lessen the capital stock of the same, and cause the same to be duly paid, on demand, to the several stockholders thereof: *Provided always*, That the State of Ohio shall be entitled to and receive four per cent. on all dividends made by said Bank, the demand and payment of which shall be made agreeable to the provisions of the act, passed February the fifth, eighteen hundred and twenty-five, entitled "An Act to amend an act, entitled 'An Act to incorporate certain Banks therein named, and to extend the charters of existing incorporated Banks,'" passed the twenty-third day of February, eighteen hundred and sixteen: *Provided*, That no dividend of more than three per cent. shall be declared and paid on the capital stock of said Bank, or any part thereof, previous to the first day of January, which will be in the year eighteen hundred and thirty-one, nor subsequently, until said Bank shall accumulate and have on hand a surplus or contingent fund, arising from the profits of its business, of at least ten thousand dollars; and no such dividend shall thereafter be made, by which said surplus or contingent fund shall be reduced below said sum of ten thousand dollars: *And provided also*, That no such dividend shall be paid on any stock that has not been fully paid, but shall be passed to the credit of such stock, as part payment thereof: *And provided further*, That in case the said Directors shall, at any time, make any dividend of the profits or other property of said Bank, by which the capital stock thereof shall, in anywise, be lessened or impaired, or shall, by any official mismanagement or neglect of duty, cause any loss or deficiency of said capital stock, the Directors consenting thereto, or guilty of such mismanagement or neglect, shall be severally liable in their individual and private capacities, to any stockholder or creditor of said Bank, who may have sustained injury thereby, to double the amount of such injury: and each and every Director shall be deemed to have consented to such dividend, and guilty of such mismanagement or neglect, unless he shall forthwith

give notice of his dissent thereto, or absence from the institution, to the Auditor of State, and to the stockholders, as is provided for in the fourth section of this act.

Sec. 7. That the Board of Directors shall allow and establish the compensation to be paid to the President; but no other Director shall be allowed or receive any salary, compensation or reward, for his services, unless the same shall be voted by the stockholders, at some regular meeting duly notified under the provisions of this act: and it shall be the duty of said Directors, and they are hereby required, as often as once in every month, to cause a strict examination to be made of the accounts of the Cashier, and a full and complete settlement thereof, and a statement of such examination and settlement shall be entered on the journals of the proceedings of said Board: and it shall not be lawful for the Cashier, or other subordinate officer, Clerk or Teller, of said Bank, either directly or indirectly, to engage in, or carry on, any other business than that of said Bank, without the permission of the Board of Directors, under the penalty of five thousand dollars, to be recovered in an action of debt, brought in the corporate name and for the use of said Bank: and no President, Cashier, Clerk or Teller, of said Bank, shall be permitted to vote at any election for Directors, as the Attorney, Agent or Proxy, of any stockholder.

Compensation of officers of the Bank

Cashier's accounts to be examined monthly

Sec. 8. That it shall be the duty of the Directors of said Bank, in the month of January, annually, to transmit to the Auditor of State an accurate and just statement of the condition of said Bank, as it existed on the first Monday of January; which statement shall specify the amount of capital stock actually paid in, and the value of the real estate belonging to the same; the amount of stock subscribed, if any, and remaining unpaid; the total amount of debts due to, and from said Bank; the amount of gold and silver, and other coined metals on hand, of money deposited, of bills in circulation, of bills on hand of solvent Banks incorporated by this State, and also, of those incorporated elsewhere, of bills of one, two and three dollars, in circulation, and the amount of such bills on hand; the rate and amount of the last dividend of profits, with the amount of the surplus or contingent fund of said Bank: which statement shall be signed by at least a majority of the Directors, and verified by the oaths of the President and Cashier, before some Magistrate competent to administer the same, and who shall not be interested as a stockholder or officer of said Bank: and it shall be the duty of the Auditor of State, immediately on receiving any such statement, to cause the same to be published three weeks successively, in some newspaper printed at Columbus, and also, in one other printed at Cincinnati, at the expense of said Bank.

Directors to report to the Auditor of State annually

Report to be sworn to by President and Cashier and be published

Books of the  
Bank how  
kept and to  
be examined  
by stock-  
holders

State of the  
Bank may be  
examined by  
committee of  
the General  
Assembly

Of negotiable  
notes

Stock to be  
considered  
personal prop-  
erty

Stock not to  
be transferred  
when holder  
is indebted to  
the Bank

Bank not to  
deal in mer-  
chandize

**Sec. 9.** That the said President and Directors shall keep a book, in which shall be entered and faithfully recorded a journal of all their proceedings; which book shall be produced to the stockholders, when so by them demanded, at any regular meeting of the same, and shall be open to the inspection and examination of any three or more stockholders, holding together, in their own right, one hundred shares of the capital stock, at any time within thirty days next before any annual election for Directors, on application by them made to the President or Cashier: and the books, papers, correspondence and funds of said Bank, shall at all times be subject to the inspection of the Board of Directors, or any committee thereof, appointed for that purpose: And further, the General Assembly shall have power, at all times, to appoint a committee from its own body, whose duty it shall be to examine the state and condition of said Bank, to inspect the book and minutes of the proceedings of the Directors, to ascertain the amount of gold and silver on hand, the amount of deposits therein, of notes and bills in circulation, an exact list of balances due to and from said Bank, and all other affairs of the same, and make report thereon, at such time as they may be instructed or directed.

**Sec. 10.** That the bills, notes, bills of exchange, post notes or orders of said Bank, signed by the President and countersigned by the Cashier, promising or directing the payment of money to any person or persons, or order, or to the bearer, shall be obligatory on said Bank, though not under the seal thereof; and all such bills, notes or orders, made payable to order, shall be transferable and negotiable by endorsement, and those payable to bearer, by delivery: that the shares of the capital stock of said Bank shall be considered, and held in law, as personal property, and assignable and transferable, only on the books of the same, in the presence of the President or Cashier thereof, and in such manner as the Directors shall prescribe: but no stockholder, indebted to said Bank, for any debt or demand due and payable, shall have power to assign or transfer any share or shares he may own of the capital stock therein, nor be entitled to receive any dividend arising from the profits thereof, until such debt or demand shall be paid or discharged, or collateral security be given for the payment of the same, to the satisfaction of the Directors: on the contrary, said Bank shall have the first lien in law on all such stock owned by its debtors, and on all dividends awarded and declared to be due to the stock of such debtors; any law, usage or custom to the contrary notwithstanding: and it shall not be lawful for the corporation herein and hereby created, either directly or indirectly, to use or employ any of its capital stock, money, funds or effects, in the trade or business of buying and selling goods, wares and merchandize, in any way or manner whatever.

Sec. 11. That a general meeting of the stockholders shall be held on the first Monday of May, annually, at the time and place for holding the election of Directors; to which meeting the Directors for the year immediately preceding, shall present an exact and particular statement of the state, condition and affairs of said Bank, and of the surplus or contingent fund, if any, arising from the profits thereof, after deducting losses and dividends: and general meetings of the stockholders may be held in Cincinnati, at any other time when ordered by the Board of Directors, or by any number of stockholders, who together hold, in their own right, one-tenth part of the capital stock of said Bank, by giving thirty days previous notice of the time and place of said meeting, in two newspapers printed in said city of Cincinnati: and the stockholders present, or represented by proxy, at any such meeting, shall decide all questions which may be proposed, by a plurality of votes: they shall have power to make such by-laws, ordinances, rules and regulations, as to them shall appear needful and proper, touching the management of the stock, money, estate, funds, business and effects of said Bank; the powers, duties and conduct of its Officers, Agents and Servants, and all things appertaining thereto; and may appoint committees, from their own body, to examine into all matters connected with said Bank, its pecuniary concerns and general welfare; and may meet on their own adjournments, at such other time and place as they may deem fit and expedient.

Other meetings may be held on thirty days notice being given

Sec. 12. That Michael P. Cassilly, William Lodwick, Thomas Reilly, James Tallant, Elisha Brigham, Robert Buchanan and Timothy S. Goodman, all of the city of Cincinnati, are hereby constituted and appointed Commissioners to open and receive subscriptions for the capital stock of said Bank, and to superintend the election of the first board of Directors thereof, any four of whom shall be competent to exercise the powers and perform the duties required of them by this act: they shall have power, and they are hereby authorized, on the second Monday of March next, having given previous notice thereof in the newspapers printed in said city, to open books of subscription at some suitable place or places, in Cincinnati, for the capital stock of said Bank, and to keep such books of subscription open every day, (Sundays excepted,) from nine o'clock in the forenoon until six o'clock in the afternoon, for thirty days, and until at least two thousand shares thereof shall be subscribed for, when the same shall be closed; and if more than five thousand shares shall then and there have been subscribed, the said Commissioners shall deduct the amount of such excess from the largest subscriptions, in such manner as that no subscription shall be reduced, while any one remains larger: and in case the full amount of five thousand shares shall not have been subscri-

Seven com'rs appointed to receive subscriptions to the capital stock

Notice to be given of the opening of books

Subscriptions for stock regulated

**Books may be re-opened** bed, at the time of closing the subscription books as aforesaid, the said subscription books shall be re-opened for subscriptions, under the superintendence of the Board of Directors, on the second Monday of May, in each year, after May next, and shall be kept open, (Sundays excepted,) at some suitable place or places, in said city, for thirty days in each year, from nine o'clock in the forenoon until six o'clock in the afternoon, until the full number of five thousand shares shall have been subscribed, the said Directors causing due notice of the re-opening of such subscription books to be published in two newspapers printed in said city of Cincinnati: and the said Commissioners, at the expiration of the said thirty days from the second Monday of March next, or so soon thereafter as two thousand shares of said capital stock shall have been subscribed, shall give public notice thereof, in two newspapers as aforesaid; and by the same notice they shall appoint the day, hour and place in said city, not less than fifteen nor more than twenty days from the date of such notice, for the subscribers of said stock to meet and elect the first Board of Directors for said Bank, who shall continue in office until the first Monday in May, which will be in the year eighteen hundred and thirty, and until their successors shall have been chosen; at which election, the said Commissioners, or a majority of them, shall act as judges and inspectors, and having taken the necessary oath or affirmation, for that purpose, shall perform all the duties incident to judges and inspectors of elections, in other like cases.

**Notice there-of to be given**

**Stockholders to meet and elect the first board of directors**

**First election how conducted**

**Payment of shares how and in what proportions to be made**

**Proviso regulating the interest to be paid on subsequent subscriptions**

Sec. 13. That the payment for shares of said capital stock shall be made in gold and silver, and completed by the subscribers respectively, at the times, and in the manner following, to wit: At the time of subscribing, there shall be paid on each share the sum of ten dollars; immediately after the election of the first Board of Directors, the further sum of twenty dollars on each share; in thirty days from the day of such election of Directors, the further sum of twenty dollars, on each share; and the balance due on each share shall be paid in equal payments of twenty-five dollars each, in three and six months thereafter: *Provided*, That any subscriber may, at his option, pay the full amount of his subscription at any time previous to the periods fixed for such payment as aforesaid: and all subsequent subscriptions for shares of said capital stock shall be paid as follows, to wit: At the time of subscribing, twenty-five dollars on each share, and the balance in three equal payments of twenty-five dollars each, on each share, in sixty, ninety and one hundred and twenty days; but no dividend shall be awarded to any share which shall have been subscribed after the election of the first Board of Directors, until six months shall have expired, after the same shall have been fully paid.

Sec. 14. That so soon as one hundred thousand dollars of the capital stock of said Bank shall have been paid in gold and silver, the Directors shall cause the Governor of this State to be notified of the same, who is hereby authorized to appoint some suitable and fit person to examine and count the moneys so paid and actually existing in the vaults thereof, as such capital stock; whose duty it shall be, at the expense of said Bank, to make such examination and count, and to ascertain, by the oath of the President, Cashier, and at least six of the Directors, that said capital had been, bona fide, paid in by the stockholders of said Bank, and in payment, or part payment, for their respective shares, and for no other purpose whatever, and that it is intended therein to remain as part of said capital stock, and forthwith make due return thereof to the Governor: and the said Governor, on the return being so made to him as aforesaid, and it appearing therein that the sum of one hundred thousand dollars, of the capital stock of said Bank, had been paid in gold and silver, and actually exists in the vaults thereof, shall cause proclamation to be made of the same, under the Great Seal of the State; which shall be published at the expense of said Bank, six weeks successively, in two newspapers, one in Columbus and the other in Cincinnati: and on the first publication of such proclamation, it shall be lawful for said Bank to commence its business operations, as a banking institution, and not before.

*On notice, the Governor to appoint a person to examine and count the cash in the bank previous to their going into operation.*

*Governor, on report, to make proclamation*

Sec. 15. That this act shall be taken and received, in all Courts, and by all Judges, Magistrates, and other public officers, as a public act; and all printed copies of the same, which may be printed by or under the authority of the General Assembly, shall be admitted as good evidence thereof, without any other proof whatever.

*Authentication*

EDWARD KING,  
*Speaker of the House of Representatives.*

SAMUEL WHEELER,  
*Speaker of the Senate.*

February 11, 1829.

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AN ACT providing for the distribution of the proceeds of the Virginia Military School Fund.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the sum of fifty-four thousand dollars, now in the State Treasury, being the proceeds of the income of the lands and moneys constituting a fund for the support of the schools within the Virginia Military District, be distributed among the several counties, and parts of counties, in said

*Distribution of funds now in State Treasury amongst the several counties*

District, for the support of schools within the same, in the following proportion, to wit: To the county of Adams, four thousand one hundred and seven dollars and twenty cents; to the county of Brown, five thousand six hundred thirty-six dollars fifty two cents and eight mills; to the county of Clermont, seven thousand three hundred twenty-seven dollars seventy-two cents and eight mills; to the county of Clinton, four thousand one hundred sixty dollars thirty-five cents and two mills; to the county of Fayette, two thousand eight hundred dollars fourteen cents and four mills; to the county of Highland, five thousand two hundred sixty-nine dollars twenty-nine cents and six mills; to the county of Madison, two thousand seventy-five dollars thirty-four cents and four mills; to the county of Union, nine hundred and six dollars; to the county of Marion, forty-five dollars ninety cents and four mills; to the county of Delaware, three hundred six dollars eighty-three cents and two mills; to the county of Franklin, one thousand one hundred eight dollars ninety-four cents and four mills; to the county of Pickaway, two thousand seven hundred twenty-seven dollars sixty-six cents and four mills; to the county of Ross, six thousand four hundred sixty-five dollars twenty-one cents and six mills; to the county of Pike, one thousand thirty-six dollars forty-six cents and four mills; to the county of Scioto, seven hundred thirty-six dollars and eighty-eight cents; to the county of Hamilton, nine hundred thirty dollars and sixteen cents; to the county of Warren, two thousand five hundred and fifteen dollars five cents and six mills; to the county of Green, three thousand four hundred sixty-nine dollars thirty-seven cents and six mills; to the county of Clark, three hundred fifty-two dollars seventy-three cents and six mills; to the county of Champaign, nine hundred seventy-eight dollars and forty-eight cents; to the county of Logan, one thousand forty-three dollars and sixty-nine cents:

Co. Auditor's  
duty

Duty of Auditor of State  
Provision for  
Clermont c'ty

And the Auditors of the aforesaid counties shall draw an order on the Auditor of State, in favor of the County Treasurer, for the aforesaid sum, hereby declared to be the proportion due each county, and shall charge the County Treasurer therewith: and the Auditor of State shall, on such order being presented to him, give an order on the Treasurer of State for the amount thereof: *Provided*, That the sum of seven thousand three hundred twenty-seven dollars seventy-two cents and eight mills, which is the proportion due the county of Clermont, shall be paid to the Superintendent of common schools for the county of Clermont, agreeably to the provisions of "An Act to create and establish a fund for the support of common schools in the county of Clermont."

School directors to take enumeration of children annually, & cer-

Sec. 2. That the Directors, or a majority of them, of the several organized School Districts within the Virginia Military District, shall, on or before the first Monday of October next, and on or before the first Monday of October annually there-



after, take an enumeration, and make a list of all the children in their respective districts, residing within said Virginia Military District, between the ages of four and sixteen years, (except black and mulatto children,) and shall certify said list under oath, and deliver the same to the Auditor of the proper county, on or before the third Monday of October, in each and every year: and the County Auditor shall make and certify an accurate schedule thereof, and transmit the same to the Auditor of State, on or before the first Monday in December next thereafter: and the Auditor of State shall apportion and distribute the money in the State Treasury, being the proceeds of the income of the money or lands constituting the Virginia Military District School Fund, immediately after the tenth day of January annually, amongst the several counties, and parts of counties, within the District aforesaid, until each county shall have received an equal proportion to the number of children returned the present year, in addition to sums allowed them by this act; and forever afterwards the proportions to each county shall be according to the number of children, as returned to the Auditor of State in pursuance of this act: and the manner of paying over all future dividends, made by virtue of this section, shall be in conformity to the provisions of the first section of this act.

Sec. 3. That the sum which shall be paid into the Treasury of the several counties, as required by the first section of this act, shall be apportioned and distributed upon the order of the County Auditor to the several Schools Districts in such county, which are situate within the Virginia Military District, in the same manner that the tax levied and collected for the support of common schools now is, or hereafter may be, by law directed to be apportioned and distributed: *Provided*, That the County Auditor shall not distribute a greater amount, at any one time, than shall be directed by the County Commissioners, who are authorized and required to make, and deliver to the County Auditor, written directions for that purpose: *And provided also*, That the County Commissioners of the several counties, in whole or in part situate in the Virginia Military District, may, if they deem it expedient, require additional bonds of the Treasurers of their respective counties before they receive any of the moneys mentioned in this act: and the several County Treasurers aforesaid shall be entitled to receive two per cent. on all moneys received and paid out by them under the provisions of this act, and no more.

EDWARD KING.

*Speaker of the House of Representatives.*

SAMUEL WHEELER.

*Speaker of the Senate.*

February 9, 1829.

## AN ACT to amend the act, entitled "An Act for the relief of the Poor."

**What residence to constitute a legal settlement**

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That any person or persons, other than those hereinafter provided for, residing three years in any township in this State without being warned by the Overseers of the Poor, for said township, to depart the same, shall be considered as having gained a legal settlement in such township: every indented servant or apprentice, legally brought into this State, shall obtain a legal settlement in the township where such servant or apprentice first served his master or mistress three years: and every married woman, during coverture, and after her husband's death, shall be considered legally settled in the place where he was last legally settled; but if he shall have, or shall have had no known legal settlement, then she shall be considered as settled in the place where she was last legally settled before marriage: but nothing in this act, or in that of which this is an amendment, shall be so construed as to enable any black or mulatto person to gain a legal settlement in this State: *Provided*, That the provisions of this section shall not be construed to exclude any person from voting at elections who would otherwise, by the constitution and laws of this State, be entitled to vote.

**Children of color prohibited**

**Proviso**

**Overseers of the poor how to proceed on information**

Sec. 2. That upon complaint being made, or information given, to the Overseers of the Poor of any township, that any inhabitant or inhabitants of their township, (having a legal settlement therein) is or are in a suffering condition, and requiring public assistance or support, if the Overseers shall be of opinion that such person or persons, inhabitants as aforesaid, ought to be relieved at the expense of the township, the said Overseers shall have authority, on behalf of [their] township, in their discretion, to afford to him, her or them, from time to time, such relief or support as circumstances shall require, and to the said Overseers shall appear necessary and reasonable; any thing contained in the act, of which this is an amendment, to the contrary notwithstanding: and it shall be the duty of the Overseers to report the case of every pauper, and their proceedings therein, who may be relieved under the authority of this section, to the Trustees of the township, at their first succeeding meeting, of which said Overseers may have notice, and the Trustees shall thereupon, in their discretion, make such order to the Overseers respecting the relief, assistance or support of such pauper or paupers as they shall deem necessary and reasonable, or direct the Overseers to proceed according to the provisions of the third section of the act, of which this is an amendment, as they may deem expedient.

**Overseers to report to town's trustees at first meeting**

**Duty of trustees**

**Proceedings on complaint**

Sec. 3. That upon complaint made, or information given, to the Overseers of the Poor of any township in any county

in which a County Poor House is, or shall be, erected and when a county poor house is erected established, that any person, not having a legal settlement in such township, is in a condition requiring temporary assistance from the township, it shall be the duty of such Overseers forthwith to give notice thereof to the Trustees of such township; who shall, if in their opinion such person is in a suffering condition, and requiring assistance from the township, direct the Overseers of the Poor to provide such relief for such person as his or her circumstances may, from time to time, require; and it shall be the duty of such Overseers of the Poor to make out an accurate account of the expenditures made in affording relief to such person, setting forth therein, specifically, the items of such expenditure; which account being certified by the Overseers of the Poor, and Trustees of the township, shall be paid out of the Treasury of such county upon the order of the County Auditor.

Sec. 4. That so much of the act, to which this is an amendment, passed February tenth, eighteen hundred and sixteen, as is inconsistent with the provisions of this act, be, and the same is hereby repealed.

EDWARD KING,

*Speaker of the House of Representatives.*

SAMUEL WHEELER,

*Speaker of the Senate.*

February 12, 1829.

AN ACT to provide for the sale of certain lands granted by Congress to the State of Ohio.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the disposal of the lands granted to this State, by the fifth section of an act of Congress, entitled "An Act to aid the State of Ohio in extending the Miami Canal from Dayton to Lake Erie, and to grant a quantity of land to said State, to aid in the construction of the Canals authorized by law, and for making donations of land to certain persons in Arkansas Territory," there shall be established two Land Offices; one at Piqua, in the county of Miami, for lands selected by the Governor, for this State, in pursuance of the sixth section of the said act of Congress, within the Cincinnati and Piqua Land Districts, as established by Congress; and one at Tiffin, in the county of Seneca, for lands selected for this State as aforesaid, within the District established and designated by Congress as the Delaware Land District: and for each of said Offices, a Register and Receiver of public moneys shall be appointed by joint resolution of the General Assembly: each of the said Receivers shall give bond to the State, with surety, to be approved by

Title of the act of Congress

Two Land Offices to be established, one in Piqua and one in Tiffin

Register and Receiver to be appointed for each

shall give  
bond

the Governor, in the sum of ten thousand dollars, for the faithful discharge of the duties of their respective offices; and shall respectively reside at the places where the Land Offices are directed to be kept; and if any person, being appointed Register or Receiver of public moneys, shall refuse to accept the appointment, or in case either of the said offices shall otherwise become vacant, the Governor shall be, and he is hereby authorized to fill such vacancy.

Lands to be  
offered at  
public sale

Sec. 2. That all the lands, so selected for this State by the Governor, within the said Land Districts, shall be offered for sale by half-quarter sections, to the highest bidder, under the directions of the Register of the Land Office, at the places respectively where the Land Offices are directed to be kept, on such day or days, between the passage of this act and the first day of November next, as shall, by a public proclamation of the Governor, be designated for that purpose: the sale shall remain open one week, and no longer; and all lands which shall have been offered, and remain unsold at the close of such public sale, shall be subject to be sold at private sale, by entry at the Land Office, at one dollar and twenty-five cents per acre, to be paid at the time of making such entry; and may be purchased, at private sale, in entire sections, half, quarter or half quarter sections, at the option of the purchaser: *Provided always*, That no land shall be sold at either public or private sale for any price less than one dollar and twenty-five cents per acre.

Governor to  
make procla-  
mation  
Manner of  
conducting  
sales

Proviso,

Subdivision of  
land to be  
granted by  
act of Con-  
gress

Sec. 3. That in every case of a division of a quarter section, the line for the division thereof shall run north and south; and the corners and contents of half quarter sections, which may be sold under the provisions of this act, shall be ascertained in the manner, and on the principles, directed and prescribed by the second section of an act of Congress, entitled "An Act concerning the mode of surveying the public lands of the United States," passed on the eleventh day of February, eighteen hundred and five; and fractional sections, containing one hundred and sixty acres, or upwards, shall, in like manner, as nearly as practicable, be subdivided into half quarter sections, under such rules and regulations as the Governor may prescribe; but fractional sections, containing less than one hundred and sixty acres, shall not be divided, but shall be sold entire.

Payment to  
made at the  
time of pur-  
chase

Sec. 4. That any purchaser of land, at public or private sale, under the provisions of this act, shall make full payment therefor, on the day of purchase, to the Receiver of Public Moneys for the proper District, taking from the Receiver duplicate receipts for the sum paid; one of which he shall produce to the Register of the Land Office, before the tract of land shall be entered as sold; and the Register shall file said receipt in his office: and if any person, being the highest bidder at public sale, for a tract of land, shall fail to

Duty of Re-  
gister and  
Receiver

make payment therefor on the day on which the same was purchased, the tract shall again be offered at public sale on the next day of sale; and the person so bidding, and failing to make payment, shall not be capable of becoming the purchaser of that or any other tract offered at such public sale.

Sec. 5. That upon the payment of the purchase money for any tract of land, and the production of a receipt therefor, from the Receiver of public moneys, as provided for in the preceding section, the Register of the land office shall give to the purchaser a certificate, describing the said tract of land, specifying the sum paid on account thereof, and that the purchaser is entitled to a deed for the same; and on the presentation of the said certificate to the Auditor of State, he shall compare the same with the returns of the Registers and Receivers of the proper District; and if the same is found correct, he shall make out a deed for the land specified in said certificate; and which deed shall be executed by the Governor, in the manner pointed out in the act authorizing the sale of the Virginia Military School Land; and which deed, so executed, shall vest in the purchaser, his heirs, or assigns, a good and perfect estate, in fee simple.

Register to give purchaser a certificate of purchase &c  
Governor to execute deed to purchaser

Sec. 6. That the Register of each Land Office shall cause books to be kept, in which shall be regularly entered an account of the dates of all the sales made, the situation and numbers of the tracts sold, the price at which each was struck off or entered, and the dates of the certificates given to the different purchasers; a copy of all which entries, together with the amount of the receipts from the Receiver of public moneys, which shall have been filed in his office, agreeably to the provisions of the fourth section of this act, shall be, by the Register, transmitted quarterly, computing from the first day of the public sales authorized by this act, to the Auditor of State, who shall file the same in his office, and make report thereof to the next General Assembly.

Register to keep books and report to State Auditor quarterly

Sec. 7. That it shall be the duty of each Receiver of Public Moneys to give duplicate receipts for all moneys by him received, to the persons respectively paying the same; to cause regular entries of all sums of money so received to be made, in a book to be by him kept for that purpose, specifying the amount, from whom and when received: he shall, also, quarterly, computing from the first day of public sale authorized by this act, pay into the Treasury of this State the amount of moneys which he may have received, taking from the Treasurer duplicate receipts therefor; one of which he shall forthwith deliver to the Auditor of State, who shall file the same in his office, and report the amount of all such receipts to the next General Assembly.

Duty of the Receiver to keep books and pay over to State Treasurer quarterly

Sec. 8. That each Register and Receiver of public moneys shall be entitled to receive, as a compensation for

Compensation allowed to Register and Receiver

his services required by this act, a commission of one per cent. on the amount of all the sales of lands which shall have been made, under the provisions of this act, within his District, to be paid quarterly at the Treasury, on the certificate of the Auditor of State; and, also, five dollars a day for Clerk hire, and superintending the public sales, during the time the same shall be kept open.

Auditor to furnish stationery Register &c

Sec. 9. That the Auditor of State shall be, and he is hereby authorized and required to furnish, or cause to be furnished, at the expense of the state, the books by this act required to be kept by the Registers and Receivers of public moneys, the stationery necessary for them in the discharge of their duties; and, also, to provide blanks for all receipts, certificates and deeds required by this act.

To notify prosecuting att'y of trespass on the land

Sec. 10. That it shall be the duty of each of the said Registers and Receivers, to give notice to the Prosecuting Attorney of the proper county, of any trespass committed on the said lands, by cutting or destroying timber growing thereon; and on receiving such notice, it shall be the duty of such Attorney, to commence actions of trespass against such offenders, in the name of the state of Ohio; of which actions the several Courts of Common Pleas shall have original jurisdiction; and in all cases in which a verdict and judgment shall be recovered in favor of the plaintiff, full costs shall be taxed against the defendant or defendants.

EDWARD KING,

*Speaker of the House of Representatives.*

SAMUEL WHEELER,

*Speaker of the Senate.*

February 12, 1829.

AN ACT to authorize the Commissioners of Hamilton county, to levy a tax, for road purposes, within said county.

Co. Comm'rs authorized to levy an additional tax annually

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Commissioners of the county of Hamilton, be, and they are hereby authorized, in each and every year, to levy any sum not exceeding one and one-half mills on the dollar, upon the grand levy for road purposes, to be levied and collected, in the same manner as the taxes for state and county purposes are; which fund, shall be laid out and expended under the direction of the Commissioners of said county, for the permanent improvement of the principal roads leading from the City of Cincinnati, within said county, in just and equitable proportions, any other law to the contrary notwithstanding: *Provided*, That the taxes levied within said county, for road and county purposes, shall not in any

Proviso

one year, exceed three mills on the dollar, upon the grand levy of taxable property therein.

Sec. 2. That the Commissioners aforesaid, before entering into any contract to improve said roads, shall cause at least twenty days notice to be given, in some newspaper in general circulation in said county, that they will attend at the Courthouse within the county aforesaid, to receive proposals for work to be done on the roads mentioned in said advertisement.

To give notice before making contracts to improve roads

Sec. 3. That the said Commissioners shall require the contractor or contractors, to enter into bonds with good and sufficient security, conditioned for the faithful performance of the work agreeable to the contract, retaining at all times, at least one-fourth of the money which may be due thereon, until the contract shall be complied with, and the work completed and accepted by said Commissioners, and to do all other things necessary and proper for carrying into effect, the object of this act.

Contractors to give bond, &c

EDWARD KING,  
*Speaker of the House of Representatives.*

SAMUEL WHEELER,  
*Speaker of the Senate.*

February 11, 1829.

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AN ACT supplementary to the "Act for the remission of penalties, and for the sale of lands for taxes," passed January 29th, 1827.

Whereas, the several County Auditors in this state, have omitted to sell the lands lying in their respective counties, on which the taxes due thereon, before the year one thousand eight hundred and twenty, have not been paid: Therefore,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the County Auditors in their respective counties, where no sale of land has taken place for the taxes due thereon, before the year eighteen hundred and twenty, agreeable to the provisions of the act, entitled "An act, for the remission of penalties, and for the sale of lands for taxes," passed January twenty-ninth, one thousand eight hundred and twenty-seven, be, and they are hereby authorized and directed, to proceed to sell, on the second Monday of December next, all the lands lying in their counties respectively, which are embraced in the provisions of said act, and on which the taxes, interest and penalties, together with the taxes for the present year, shall not be paid by said day; and the above sales shall in all respects, be made

Duty of certain County Auditors to proceed to sell certain lands on the 2d Monday of December next

agreeable to the provisions, and under the restrictions of the above recited act.

County Treasurers to receive tax until that time

Sec. 2. That it shall be the duty of the respective County Treasurers, of the counties in which any of the lands embraced in the foregoing section may lie, to receive the taxes, interest and penalties due on said lands, until the second Monday of December next, in the same manner [as] they might have done before the second Monday of December last, as provided by said recited act.

Court of Commissioners to order deeds to be made for certain lands

Sec. 3. That where the whole of any tract of land has been sold for taxes by the Auditor of State, within the Virginia Military District, north of the Indian Boundary line so called, and lying without any organized county, by virtue of the twenty-sixth section of the act, defining the duties of the Auditor of State, passed February 24, 1824, and the Court before whom judgment for the amount of the tax, interest and penalty was rendered, shall be satisfied that the sale was made according to the provisions of the "act providing for the remission of penalties, and for the sale of land for taxes," passed January 30th, 1822, they shall order said Auditor of State, to make a deed to the purchaser, or his assignee or assignees, for the same, agreeably to the provisions of the last recited act, without a survey being made thereof.

EDWARD KING,

*Speaker of the House of Representatives.*

SAMUEL WHEELER,

*Speaker of the Senate.*

February 11, 1829.

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AN ACT supplementary to the act, entitled "An act, to appropriate lands for the purpose of aiding the Columbus and Sandusky Turnpike Company, in the construction of a road."

The Company may contract for: mortgaging lands

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the President and Directors of said Company, be, and they are hereby authorized and empowered, to make any contract or contracts, for mortgaging any of the lands mentioned in said act, now remaining unsold, for the purpose of raising money to be applied to the construction of said road: *Provided,* That it shall not be lawful for said Company, to mortgage, or cause to be mortgaged, more than fifteen thousand acres of said land; nor shall any of said land be mortgaged for a less sum than sixty cents per acre.

Proviso

Governor to execute mortgages

Sec. 2. That the Governor of this state, for the time being, be, and he is hereby authorized and required, upon application for that purpose, for and on behalf of said Company, to execute such mortgage or mortgages as shall be



required by the President and Directors of said Company; which mortgage or mortgages shall be executed under the Great Seal of the State, and signed by the Governor, and Form thereof countersigned by the Secretary of State; and any mortgage or mortgages, executed as aforesaid, shall create a good and valid lien upon the lands mortgaged: *Provided*, That nothing herein contained, shall be construed so as to create any claim on the state, for the payment of any of the money in the mortgages to be executed as aforesaid; and the respective mortgagees shall have a right to proceed against the said Company, for the collection of the moneys therein contained, the same in all respects as though the said Company had in due form, signed the said mortgages.

EDWARD KING,  
*Speaker of the House of Representatives.*

SAMUEL WHEELER,  
*Speaker of the Senate.*

February 12, 1829.

AN ACT supplementary to the act, entitled "An act, to regulate the mode of petitioning the Legislature in certain cases."

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person or persons, shall hereafter be desirous to present a petition, or petitions, to any future Legislature of this state, the prayer of which petition, or petitions, shall come within any of the provisions of the act, to which this act is supplementary, such person or persons, shall present his, her or their petitions to such Legislature, on or before the fourth Monday of the session thereof.

EDWARD KING,  
*Speaker of the House of Representatives.*

SAMUEL WHEELER,  
*Speaker of the Senate.*

February 9, 1829.

AN ACT to amend the act, entitled "An act, to amend the act, to provide for the sale of the Salt Reservations belonging to the state of Ohio."

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That interest shall not in any case, be demanded or collected, on any instalments that are now due, or that may hereafter become due, upon any sale or sales of the Scioto Salt Reservation, in the county of Jackson, for a longer period of time than such instalments remain unpaid,

after they respectively become due, any thing in the act, to which this is an amendment, to the contrary notwithstanding.

Sec. 2. That any purchaser making payment before the same becomes due, shall be entitled to a discount on such payment, at the rate of six per cent. from the time such payment may be made, until the same would have become due.

Sec. 3. This act shall take effect and be in force from and after the passage.

EDWARD KING,  
*Speaker of the House of Representatives.*  
SAMUEL WHEELER,  
*Speaker of the Senate.*

February 11, 1829.

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AN ACT directing the appropriation of certain subscriptions to the Canal Fund.

Whereas, certain subscriptions have been made to the Canal Fund of this state, by the citizens of the town of Circleville, and those owning real property in and near said town: and, whereas, the Commissioners of the county of Pickaway, and the citizens thereof, have it in contemplation to erect a free bridge across the Scioto river at said town, and to construct an embanked road through the low land from said river, to Foreman's Mill, along the line of the Ohio Canal, and have raised a sum of money for that purpose, by an appropriation from the Treasury of said county, and by voluntary subscription, which, though large, is not sufficient for the completion of said works: and, whereas, it is believed that the piers of said bridge, if properly located above the piers of the aqueduct now constructing for the conveyance of said canal across the river at that place, would conduce to the protection and safety of said aqueduct; and that said embanked road, if constructed in connexion with the embankment of the canal through said low land, would add much to the strength and durability thereof: Therefore,

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That the money, and other property, subscribed as aforesaid, to the Canal Fund, be, and the same are hereby appropriated, towards the erection of said bridge, and the construction of said road; and the Treasurer of said county of Pickaway, is hereby authorized to collect the same: *Provided*, That the location and construction of said bridge and road, shall be subject to the direction of the Acting Canal

Commissioner, and the Engineer superintending the construction of said aqueduct and canal, in the vicinity thereof; and shall be such as will, in their opinion, afford the greatest protection and security to said aqueduct, and to the canal through said low land: *And provided*, That said bridge and road shall forever remain free and be kept up at the expense of said county: *And provided further*, That if said bridge be not erected, and said road constructed, within five years from the passage of this act, the amount of said subscriptions to the Canal Fund, or so much thereof, as shall be collected by the Treasurer of said county, shall, at the expiration of said term, be by him paid to the Treasurer of this State, and placed to the credit of said Canal Fund.

EDWARD KING,  
*Speaker of the House of Representatives.*  
 SAMUEL WHEELER,  
*Speaker of the Senate.*

February 10, 1829.

AN ACT to repeal an act, declaring certain streams navigable so far as it respects certain parts of the Mahoning.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act, entitled "An act, declaring certain streams navigable," passed February seventeenth, A. D. eighteen hundred and eight, so far as it respects all that part of the Mahoning, above a point where the south line of the town plat of Warren, Trumbull county, strikes the water of the said stream, be, and is hereby repealed.

EDWARD KING,  
*Speaker of the House of Representatives.*  
 SAMUEL WHEELER,  
*Speaker of the Senate.*

February 6, 1829.

AN ACT to provide further for the establishment of the Asylum for the Education of the Deaf and Dumb.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Board of Trustees of the Ohio Asylum for the Deaf and Dumb, if they shall deem it expedient, open the Asylum for the admission of pupils, in October next, or as soon thereafter as may be practicable, and that they may hire a suitable house or houses for this purpose, either at Columbus or elsewhere, until permanent buildings can be erected; and to defray the expenses thus necessarily incur-  
Duty of Trustees to open Institution

\$500 appropriated

A further sum of \$500 appropriated

red, a sum not exceeding five hundred dollars, be, and the same is hereby appropriated, out of any moneys in the Treasury, not otherwise appropriated, for the first six months after the opening of the said Institution, to be paid by the Treasurer of State, on the order of the Auditor, when required by the Board of Trustees.

Sec. 2. That a further sum, not exceeding five hundred dollars, be, and the same hereby is appropriated out of any money in the Treasury, not otherwise appropriated, and shall be paid, or so much thereof as shall be necessary, in like manner as above directed, for the purpose of enabling the Board of Trustees to purchase such lots or tracts of land, as may be necessary for the Asylum, and for no other purpose whatever.

EDWARD KING,  
*Speaker of the House of Representatives.*

SAMUEL WHEELER,  
*Speaker of the Senate.*

January 23, 1829.

AN ACT to amend an act, entitled "An act, incorporating the Milan Canal Company."

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the further time of three years, be, and the same is hereby given, from the passage of this act, for the commencement and completion of the Milan Canal.

EDWARD KING,  
*Speaker of the House of Representatives.*

SAMUEL WHEELER,  
*Speaker of the Senate.*

February 11, 1829.

AN ACT to amend the act, entitled "An act, for the sale of escheated lands in the township of Gallipolis."

Modification of the 2d sec. of a former act

Proviso

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the second section of the act, to which this is an amendment, shall be so construed as to enable the President and Trustees of the Gallia Academy, to escheat, all or as many of the lots coming within the purview of said section, by one bill in Chancery, as they may deem expedient to insert therein: *Provided,* They make each tenant in possession a defendant to said bill, agreeably to the provisions of the above mentioned section.

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Sec. 2. That the President and Trustees of said corporation, be, and they hereby are authorized to convey by deed in fee simple, to the first Presbyterian Society, in the town of Gallipolis, lot number one hundred and nineteen, in the said town of Gallipolis, belonging to said corporation; which deed, shall be executed agreeably to the provisions of the third section of the act, of which this is an amendment.

EDWARD KING,  
*Speaker of the House of Representatives.*

SAMUEL WHEELER,  
*Speaker of the Senate.*

February 6, 1829.

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AN ACT to provide for the election of County Recorders.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be elected by the qualified electors, in each county within this state, on the second Tuesday of October next, after the term of service of those now in office shall have expired, and on the second Tuesday of October triennially thereafter, a Recorder for said county, who shall hold his office for the term of three years, if so long he behave well, and until his successor is chosen and qualified: he shall keep his office at the seat of justice of his proper county, and shall give bond, with two sufficient securities, to be approved of by the Judges of the Court of Common Pleas, or any two of them, to the Treasurer of his county, in the penal sum of one thousand dollars, conditioned for the faithful discharge of his duties as Recorder; and before entering on the duties of his office, he shall take and subscribe the following oath: "I, A B, do swear or affirm, (as the case may be,) that I will faithfully and impartially discharge the duties of Recorder for the county of according to the best of my abilities and understanding;" which oath shall be endorsed on said bond, and the same shall be filed in the office of the County Auditor: That no Judge, Clerk of the Supreme Court, or Court of Common Pleas, or Attorney resident in the county, shall be received as security on said bond.

Sec. 2. That the election of County Recorder, shall be in conformity to the laws of this state, regulating elections; and if the same shall be contested, the contest shall be conducted in all respects, and decided in the same manner as is or may be provided by law in case of contested elections for Sheriff or Coroner.

Sec. 3. That in all cases where the office of County Recorder, shall become vacant, or in the case of new counties being organized, the County Commissioners shall appoint

a Recorder, who shall hold his office until the next October election.

A Judge not eligible

Sec. 4. That no Judge of any Court of Record, shall be eligible to the office of County Recorder.

To receive a certificate of election

Sec. 5. That the County Recorder elected or appointed by virtue of this act, shall be entitled to receive from the Clerk of the Court of Common Pleas, a certificate of his election or appointment under the seal of said Court; and shall do and perform all and singular the duties now required by law of the County Recorders, and shall be allowed the same fees for his services.

Subject to be removed on complaint filed

Sec. 6. That three or more of the citizens and residents of the county, shall have a right to file their complaint, in writing, in the Clerk's office of said county, charging that such Recorder, is improperly discharging the duties of his said office, to the injury of the public, and that the public good requires that the said Recorder should be dismissed from his said office, and which said complaint shall be signed by the parties complaining, and verified by oath or affirmation; and the Clerk of the said Court shall file the said complaint, and docket the same in the name of the state of Ohio, on the complaint of (those who have made said complaint,) and thereupon issue a summons against the said Recorder; which said summons shall be served and returned by the Sheriff of said county, as is provided by law; and with the said summons, the said Sheriff shall deliver to the said Recorder, a copy of the charges required to be filed by virtue of the succeeding section.

Proceedings thereon

Specifications to be filed with complaints

Sec. 7. That the said complainants shall at the time, and with the delivery of the complaint aforesaid, file a specification of the charges against the said Recorder; which said complaint with the charges, shall be served at least thirty days before the return term of the said summons.

Pleadings and issue

Sec. 8. That at the term to which the said summons shall be returnable, if the Recorder shall plead not guilty, to the complaint aforesaid, the said issue upon the plea

A jury trial to be had

aforesaid, shall be tried by a jury, as in other cases; and if the jury shall return their verdict of guilty, or if the said Recorder, shall plead guilty to the said complaint, the Court shall thereupon proceed to render their judgment, that the said Recorder be discharged from the duties of his said office, and that the same has become vacant, and the Court shall at the same term, appoint some other suitable person to fill the vacancy so created, who shall hold his office, by virtue of such appointment, until the then next annual election, and until his successor is chosen and qualified: *Provided*, That nothing herein contained, shall prohibit the said Court, on the return of the verdict of guilty as aforesaid, from entertaining and deciding motions for a new trial, or in arrest, as in other cases.

Court to enter judgment of dismissal and appoint a successor

Proviso allowing new trial, &c.

**Sec. 9.** If the said jury shall return a verdict of not guilty, <sup>Duty of Court</sup> or if upon a verdict of guilty, the judgment of the Court <sup>in rendering</sup> thereon shall be arrested, then the said Court shall render <sup>judgment</sup> judgment in favor of the said respondent, against the said complainants; and in case of final judgment upon the verdict of guilty, as provided for in the preceding section, the Court shall also render judgment against the said respondent for the costs; which said costs in either event, shall be collected <sup>Payment of</sup> and paid over in the same manner as is provided for in the <sup>costs</sup> act, "Regulating Judgments and Executions."

**Sec. 10.** That all laws and parts of laws, contrary to, <sup>Repealing</sup> or inconsistent with the provisions of this act, be, and the <sup>clauses</sup> same are hereby repealed.

EDWARD KING,  
*Speaker of the House of Representatives.*  
SAMUEL WHEELER,  
*Speaker of the Senate.*

February 11, 1829.

AN ACT further to amend "An act, establishing an equitable mode of levying the taxes of this state."

**Sec. 1.** *Be it enacted by the General Assembly of the State* <sup>Provision for</sup> of Ohio, That all and every person or persons not resident <sup>collecting tax</sup> in the counties of Marion, Crawford, Logan, Clark, Dark, Mercer, Williams, Huron, Champaign, Madison, Union or Greene, who shall hereafter bring into the counties aforesaid, any herd or number of cattle, for the purpose of grazing the same in said counties, after the first day of March and before the first of June, in any year, shall stand charged with the tax assessed upon such cattle, to be paid and collected as hereinafter provided. <sup>from non-resident graziers</sup>

**Sec. 2.** That it shall be the duty of all and every person <sup>Owner to enter</sup> or persons non-resident owner or possessor of such cattle <sup>cattle for</sup> brought into said counties, or either of them, for the purpose <sup>tax in the</sup> of grazing, as herein before provided, to enter the number <sup>county where</sup> of his, her or their cattle, with the Assessor of the county where they are intended to be grazed, for taxation, and to give such Assessor satisfactory security for the payment of such tax as may be assessed on said cattle, within ten days after such cattle shall have been brought into the county; and it is hereby made the duty of such Assessor, to make <sup>Duty of the</sup> out and deliver a list of such cattle, to the County Auditor, <sup>Assessor and</sup> who shall immediately have the same entered upon his duplicate, in the name of such owner or possessor, for taxation according to the several acts, establishing an equitable mode <sup>Co. Auditor</sup> of levying taxes, and the said tax, shall be collected in the manner now prescribed by law for the collection of taxes.

Owner to receive a certificate from Assessor

Sec. 3. That when any non-resident owner or possessor of cattle, shall have complied with the provisions of this act, the County Assessor, where such cattle shall have been entered for taxation, shall give to the owner or possessor of such cattle, a certificate of such entry; and upon the said certificate being produced to the Treasurer of the county, in which such owner or possessor shall be resident, the same shall be received by such Treasurer, as a full discharge from any liability to pay such tax, in the county where such owner or possessor is resident, if such cattle shall have been entered on the duplicate of such county for taxation.

Penalty for failing to enter cattle

Sec. 4. That if any non-resident grazier, as aforesaid, shall fail to enter his cattle with the Assessor, for taxation, as directed by the second section of this act, it shall be lawful for any resident householder within such county, to enter complaint against the party so omitting, before any Justice of the Peace for such county, who shall issue process against the party so omitting, and on proof being made of such omission, shall render judgment against such party, for double the amount of the proper tax, issue execution thereon, and collect the same as in other cases, and pay the same over, when collected, to the Treasurer of the proper county, for the use of such county.

How recovered

EDWARD KING,  
*Speaker of the House of Representatives.*  
SAMUEL WHEELER,  
*Speaker of the Senate.*

February 7, 1829.

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AN ACT further to amend the act, entitled "An act, defining the duties of Executors and Administrators."

Proceedings in Court on suit against Executor or Administrators

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any action upon a demand, sounding in contract, which shall hereafter be commenced against any Executor or Executor, Administrator or Administrators, after the lapse of one year from the Probate of the Will, or the grant of administration, upon any such demand against the decedent, which shall have been presented to the Executor or Executors, Administrator or Administrators for allowance, and by him, her or them rejected, the plaintiff or plaintiffs, shall be entitled to recover costs if he, she or they shall receive upon such demand, an amount equal to that which shall have been claimed, on presenting his, her or their demands as aforesaid, in those cases in which he or they would be, in like cases, so entitled, were the recovery had against a defendant or defendants in his or their own right; to be ad-



judged against the estate of the decedent, or against the defendant or defendants, in his, her or their respective character; any thing contained in the eighteenth section of the act, of which this is an amendment, to the contrary notwithstanding: *Provided*, The claim of such creditor, shall have been presented to such Executor or Administrator, at least sixty days before the commencement of such suit.

Sec. 2. That the appraisers mentioned in the second section of the act, of which this is an amendment, shall, in case there is no widow, but a child or children, who is or are minors, under the age of fifteen years, allow such child or children, such provisions, or other property, as they shall think reasonable for his, her or their support, for twelve months from the death of such intestate; which shall not be returned in such inventory, but in a separate schedule, which shall be signed by them.

Twelve months allowance to be made by appraisers to children if no widow

Sec. 3. That where there is no personal property, or an insufficient amount for the support of the widow and children, for twelve months, agreeably to the provisions of the second section of the act to which this is an amendment, or for the support of the children, agreeably to the provisions of the second section of this act, the said appraisers shall allow for such support, the said personal property, if any, returning the same in a separate schedule, as above mentioned; and shall certify on said schedule, or otherwise, what sum, or further sum, ought to be allowed for the support of the widow and children, (or child, if there be no widow,) for said twelve months; which sum, or allowance, if approved of by the Court of Common Pleas, to which said schedule or certificate is returned, or any other sum which they shall allow for such support, shall be considered and taken to be a valid claim against said estate, and entitled to payment in preference to any claim, except those for funeral expenses; any thing in the eighteenth section of the act, to which this is amendatory, to the contrary notwithstanding.

Proceedings when the personal property is insufficient

This act shall take effect and be in force from and after the first day of March next.

Commencement

EDWARD KING,  
*Speaker of the House of Representatives.*  
SAMUEL WHEELER,  
*Speaker of the Senate.*

February 10, 1829.

AN ACT to repeal part of the fourth section of an act, entitled "An act, defining the mode of laying out and establishing State Roads."

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the fourth section of an act, entitled

"An act, defining the mode of laying out and establishing state roads," passed February twenty-fifth, eighteen hundred and twenty-four, as makes it the duty of the Road Commissioners, to forward by mail to the Secretary of State, a copy of the plat and survey of the road by them laid out, be, and the same is hereby repealed: *Provided*, That it shall be, and is hereby made the duty of such Road Commissioners to make out, and deposit such copy with the Clerk of one of the counties, through which said road shall pass, and it shall be the duty of such Clerk, to file and keep the same in his office, subject to the order of the Secretary of State.

This act shall take effect and be in force from and after the passage thereof.

EDWARD KING,  
*Speaker of the House of Representatives.*  
SAMUEL WHEELER,  
*Speaker of the Senate.*

February 9, 1829.

AN ACT making appropriations for the year eighteen hundred and twenty-nine.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums be, and the same are hereby appropriated, to be paid out of any money in the Treasury, on the order of the Auditor of State, to defray the expenses of Government, for the year eighteen hundred and twenty-nine, and for other purposes, to wit: for the payment of the Members of the General Assembly, their Clerks and Door-keepers, any sum not exceeding eighteen thousand dollars, in addition to the sum of ten thousand dollars already appropriated; for the payment of the salaries of the Governor, Secretary of State, Auditor of State, Chief Clerk in the Auditor's Office, Treasurer of State, Judges of the Supreme Court and President Judges of the Courts of Common Pleas, a sum not exceeding eighteen thousand dollars; for defraying the expenses of the Penitentiary, including the costs of conviction and transportation of convicts, a sum not exceeding eight thousand dollars, in addition to the sum of two thousand dollars already appropriated; for the payment of the Adjutant General, Quartermaster General and Brigade Inspectors, a sum not exceeding eighteen hundred dollars; for refunding taxes twice or improperly paid, a sum not exceeding fifteen hundred dollars; for the Contingent Fund of the Governor, an account of the expenditure thereof, to be reported to the next General Assembly, the sum of three thousand dollars; for the Contingent Fund of the Auditor of State, to pay for books, stationery and clerk hire, for the

\$16,000 to  
pay members,  
&c.  
\$16,000 to  
Governor,  
&c.  
\$8,000 to  
Penitentiary  
\$1600 for Ad-  
jutant, &c.  
\$1500 for re-  
funding taxes  
Governor's  
contingent

use of his office, and for the payment of postage on letters and packages, addressed to him as Auditor of State, on the business of his office, a sum not exceeding fifteen hundred dollars, an account of the expenditure thereof, shall be by him reported to the next General Assembly; for the payment of books, stationery and postage, for the use of the State Treasurer's Office, a sum not exceeding one hundred dollars, an account of the expenditure thereof, shall be reported to the next General Assembly; for new entries from Land Offices, a sum not exceeding three hundred dollars; for bounties on Wolf scalps, a sum not exceeding two thousand five hundred dollars; for the payment of State Printer, for printing for the State, a sum not exceeding four thousand dollars; for paper for the use of the State, a sum not exceeding two thousand five hundred dollars; for folding and stitching, and for distributing the Laws and Journals of the present session, a sum not exceeding one thousand dollars; for the payment of the salary of the Librarian, three hundred dollars; for the payment of periodical works for the State Library, a sum not exceeding fifty dollars; for the payment of books for the State Library, three hundred dollars; for the payment of the salary of Reporter of Decisions of the Supreme Court, a sum not exceeding three hundred dollars; for one hundred copies of the Reports of Decisions of the Supreme Court, a sum not exceeding three hundred dollars; for the payment of interest on the different funds, for which interest will be due, a sum not exceeding five thousand dollars; for the payment of officers and witnesses attendant upon Division and Brigade Court Martials, a sum not exceeding one thousand dollars; a sum not exceeding one hundred and sixty-eight dollars, for the payment of the personal expenses of the Governor exploring the Land Districts, and superintending the selections of land for the State; to the Commissioners of the Canal Fund, for the purpose of paying interest on loans contracted on the Ohio and Miami Canals, twenty thousand dollars; to Michael Sours, for five husk mats furnished for the Statehouse, two dollars and fifty cents; for paying to Seth Doan, the balance due him for work done on the road leading from the foot of the Rapids of the Miami of Lake Erie, to the western line of the Connecticut Western Reserve, the sum of nine hundred and fifty-seven dollars and fifty-five cents; for paying to Aruna Phelps, the balance due him for work on said road, the sum of one hundred and fifty dollars; both of said last mentioned sums to be charged to the fund for the construction of said road; to Nathan Cole, for cutting wood, &c. the sum of fifty-five dollars and fifty cents; to Peter Grubb, for furnishing glass and glazing windows in Statehouse, five dollars; to Caleb Matson, the sum of one hundred dollars, for ten thousand quills; to Lincoln Goodale, for the amount of his account for

Auditor's contingent fund \$1500  
 Treasurer's contingent fund \$100  
 New entries \$300  
 Wolf scalps \$2,500  
 State Printer \$4,000  
 For paper \$2,500  
 For distributing laws, &c. \$1,000  
 For Librarian \$300  
 For newspapers \$50  
 State Library \$300  
 For Reporter \$300  
 For reports \$300  
 To pay interest \$5,000  
 Courts Martial \$1,000  
 Governor's expenses \$168  
 To interest on canal loans \$20,000  
 To S. Doan \$957 55 cts.  
 To Aruna Phelps \$150  
 To N. Cole \$55 50 cents  
 To P. Grubb \$5  
 For quills \$100

L. Goodale  
 \$84 25 cents  
 For candles  
 \$60  
 Stationery  
 \$17 19 cents  
 For stove pipe  
 \$55 88 cents  
 T. West  
 \$8 12 cents  
 German laws  
 \$100  
 For postage  
 \$12

stationery, the sum of eighty-four dollars and twenty-five cents; to Gibbs Greenham, for six hundred pounds of candles, sixty dollars; to Osborn and M'Dowell, for sundry articles furnished for the use of the Legislature, seventeen dollars and nineteen cents; to Gill and Greer, for a stove pipe for the use of the Statehouse, fifty-five dollars and eighty-eight cents; to Thomas West, for repairing fire places, eight dollars and twelve cents; for printing the authorized number of copies of the School Law in the German language, one hundred dollars; to Joel Butles, the sum of twelve dollars, for the postage on communications received by the Speakers of the two Houses.

EDWARD KING,

*Speaker of the House of Representatives.*

SAMUEL WHEELER,

*Speaker of the Senate.*

February 12, 1829.

AN ACT relating to the duty of County Assessors.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Assessors of the several counties in this state, be, and they are hereby authorized, to commence taking the lists of chattel property in their respective counties, on the first Monday of March, in each and every year, any law to the contrary notwithstanding.

EDWARD KING,

*Speaker of the House of Representatives.*

SAMUEL WHEELER,

*Speaker of the Senate.*

February 10, 1829.

AN ACT to provide for the support and better regulation of Common Schools.

Whereas, it is provided by the Consitution of this State, that schools and the means of instruction, shall forever be encouraged by Legislative provision: Therefore,

A fund to be  
 raised for  
 common  
 schools

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That a fund shall hereafter be raised in the several counties in this state, in the manner pointed out by this act, for the use of common Schools, for the instruction of youth of every class and grade without distinction, in reading, writing, arithmetic and other necessary branches of a common education: *Provided*, That nothing in this act contained,

shall be so construed as to permit black or mulatto persons to attend the schools hereby established, or compel them to pay any tax for the support of such schools; but all taxes assessed on their property, for school purposes, in the several counties in this state, shall be appropriated as the Trustees of the several townships may direct, for the education of said black and mulatto persons therein, and for no other purpose, whatever.

Sec. 2. That for the purpose and use aforesaid, there shall be annually levied and assessed upon the ad valorem amount of the general list of taxable property, in each county in this state, three-fourths of a mill on the dollar; which assessment shall be made by the County Auditor, and collected by the County Treasurer, in the same manner as all other taxes for state and county purposes, are directed by law to be levied and collected.

Sec. 3. That the Trustees of each incorporated township, in this state, where the same has not already been done, shall lay off the same in the manner most convenient for the population and different neighborhoods thereof, into one or more school districts, paying due regard, in so doing, to any school house already erected, school district already laid off, incorporated school company, and to schools in villages, or in populous towns; and they may, from time to time, make all such alterations in the districts as in their opinion, the general good of the township, and the convenience of its inhabitants, may require: *Provided*, That no alteration of any district shall be made, unless notices of the time and place at which the Trustees will meet, for the purpose of making the same, shall have been posted up in three public places, in each district, in which an alteration is contemplated, at least twenty days prior to such meeting.

Sec. 4. That when public convenience requires a school district to be so formed as to include a portion of two or more adjoining townships, whether such townships be in the same county or not, a majority of the Trustees of such adjoining townships may meet, and lay off a district in such manner as will best suit the population of their respective townships; and the townships from which such district is formed, shall each contribute to the support of a school in such district, in proportion to the number of householders in that part of such township, included in such district; and such district may at any time be altered by a majority of the Trustees of such adjoining townships, under the restrictions contained in the preceding section.

Sec. 5. That it shall be the duty of the township Trustees, immediately after laying off or altering any district in their respective townships, to describe and number the same, and to deliver the number and description thereof, together with a list or enumeration, in writing, of all the householders

Provide prohibiting people of color from attending common schools

Three fourths of a mill upon the dollar to be levied annually

Township trustees to lay off school districts

Provide as to notice of altering districts

Provision for forming a school district out of two or more townships

Description and No. of school district and population to be made out &c.

residing therein, to the Clerk of the township, who shall record the same in the township records; and when any district shall be laid off from two or more adjoining townships, or being laid off, shall be altered, the number of such district, and a description of such part thereof as lies in their respective townships, together with a list or enumeration of all the householders residing in such part of the district, shall be delivered by the Trustees to the Clerks of the proper townships, and by them recorded as aforesaid; and said Trustees shall have power to correct said lists by taking a new enumeration, or inserting therein any changes, which shall increase or decrease the number of householders in any district, from time to time, when they shall think proper, and it shall be their duty so to do at least once in every period of two years.

List of population to be corrected every two years

Duty of the township clerk to report to county auditor

Sec. 6. That it shall be the duty of the Township Clerk, in each township, within twenty days after he shall have recorded the same, to deliver the number and description of each district and part of district in his township, together with a list of the householders residing therein, and all alterations which shall, from time to time, be made in the same as aforesaid, to the County Auditor of his county, who shall file the same in his office.

Meeting of the householders in a school district how called

Manner of proceeding when met to choose officers

Sec. 7. That whenever any school district shall be laid off, agreeably to the provisions of this act, any householder therein, may, for the purpose of organizing the same, call a meeting of the householders residing therein, by posting up notices of the time, place and object of holding the same, at least twenty days prior to such meeting; and such meeting when convened and organized, by choosing a Chairman to preside, shall, if one-third of all the householders in such district be present, choose a District Clerk, who shall keep a record of all the proceedings of district meetings in such district, three School Directors to manage the concerns of the district, and a District Treasurer, all of whom shall hold their offices until the first annual meeting of the district, and until their successors are chosen.

Annual meeting in each school district when holden

Sec. 8. That there shall hereafter be an annual district meeting in each organized school district, in this state, which shall be held on the third Tuesday of October, in each year, at the school house in said district, if there be one, and if there be none, then at such place as the School Directors of such district shall appoint; and at all such annual meetings, they may transact all the ordinary business of the district, and shall elect three School Directors, a District Treasurer and Clerk, for the ensuing year, who shall hold their respective offices until the next annual district meeting, and until their successors are chosen.

Sec. 9. That whenever in the opinion of the School Director a special district meeting may be necessary, they

may call the same, by posting up notices of the time, place, and object of such meeting, in three public places in the district, at least ten days prior to such meeting; and at all district meetings where a greater number is not required by any of the provisions of this act, one-third of the householders residing in such district, shall be a quorum for the transaction of business. Special meetings may be called

Sec. 10. That whenever the School Directors shall deem it necessary to erect, repair or complete a school house for their district, they may call a special district meeting, in the manner prescribed in the preceding section of this act; and such meeting shall decide whether a tax shall be levied for the purpose of erecting, completing or repairing such school house, and what sum, not exceeding three hundred dollars in any one year, shall be raised for that purpose, and the time within which the same shall be paid; and at such meeting, all persons liable to taxation under the provisions of this section, shall, if present, be entitled to vote, and no such tax shall be assessed except by a vote of three-fifths of the voters present at such meeting; and if the meeting decide that such tax shall be levied, the School Directors shall apply to the Auditor of the county, who, upon being furnished with a list of the names of all persons liable to taxation within such school district, shall furnish said Directors with an abstract of all the taxable property within such district; and the said Directors shall levy upon such property, the amount of tax so agreed on by such meeting, and shall cause a duplicate thereof to be made out by the District Clerk, or some other suitable person, and delivered to the District Treasurer for collection; and in making out such duplicate, each householder residing in such district, on whose property such tax would not amount to one dollar, shall be charged with a tax of one dollar; and the School Directors may, at their discretion, commute any tax assessed under the provisions of this section, for labor or materials to be applied under their direction to the erection, completion or repair of a school house in their district. Special meetings may be called to erect or repair school house  
A tax may be voted  
How levied and collected  
Tax may be commuted for labor or materials

Sec. 11. That the District Treasurer, before he shall receive any tax duplicate, or any money belonging to his district, shall give bond to the Directors of his district and their successors in office, conditioned for the faithful discharge of the duties of his office, in such sum, and with such security, as shall be approved of by said Directors; which bond shall be filed with the Township Clerk, and by him recorded. District surety to give bond

Sec. 12. That the District Treasurer to whom a tax duplicate shall be delivered for collection as aforesaid, shall, within the time prescribed by the district meeting for the payment of such tax, personally demand the same of the several persons charged therewith, if to be found within his Duty of the district treasurer in collecting the tax

Duty of the  
treasurer con-  
tinued

county; and if such tax be not paid before the expiration of the time so prescribed, such District Treasurer may then collect the same by distress and sale of personal property, in the same manner as County Treasurers are authorized to do in the collection of state and county taxes, and shall be allowed the same fees for his services under the provisions of this section, as are allowed to County Treasurers for like services; and if the tax so assessed on the real property of any non-resident, shall remain unpaid for the space of three months, after the expiration of the time prescribed as aforesaid for the payment thereof, and if sufficient personal property belonging to such non-resident, cannot be found within the county, whereof to make such tax by distress and sale, the District Treasurer shall then report such delinquency to the Auditor of his county, and said Auditor, in making out the duplicate of state and county taxes next thereafter, shall enter such delinquent district tax, together with a penalty of ten per cent. thereon, in a marginal column of such duplicate and on a line with the state and county tax on the same property; and such delinquent tax and penalty, shall be collected by the County Treasurer, at the same time and in the same manner as the state and county taxes charged on the same property are by him collected, and when so collected by the County Treasurer, shall be by him paid to the Treasurer of the school district, in which such property is situated, on the order of the County Auditor.

Manner of de-  
termining the  
site for a  
school house

Sec. 13. That the site of any district school house hereafter erected, shall be agreed on and designated by a district meeting, at which at least a majority of all the householders residing in such district shall be present; and at every district meeting, except such as shall be convened under the provisions of the tenth section of this act, a majority of the householders present at such meeting, shall be competent to decide all matters and propositions submitted for the decision of such meeting.

School direc-  
tors may re-  
ceive gifts,  
&c.

Sec. 14. That the Directors of each school district shall be capable of receiving any gift, grant, donation or devise, made to and for the use of such district, and may receive a deed of conveyance or lease for any land whereon to erect a school house; which deed or lease shall be made to the School Directors and their successors in office, for the sole use of such district: they may, when authorized by a district meeting, contract on behalf of such district for the erection, completion or repair of a school house: they shall employ a school teacher (or teachers if necessary) for their district, and shall manage and superintend the concerns of the school or schools therein, and faithfully appropriate and expend in the support of such schools, all subscriptions, donations, dividends of school funds, and other moneys belonging to their respective districts for that use: they shall, at their annual district

Duty of  
school direc-  
tors in gene-  
ral



meetings, settle with the Treasurers of their respective districts, and examine their vouchers; and in settling with any District Treasurer, who shall have received a duplicate of taxes for collection as herein before provided, they may exonerate such Treasurer, from all liability on account of such taxes as they shall be satisfied he has been unable to collect; and said directors shall perform all such other lawful acts as may, from time to time, be required of them by any district meeting in their respective districts; and in all cases, the concurrence of any two of them shall be sufficient for the transaction of business.

Sec. 15. That all moneys which shall come into the hands of any District Treasurer, belonging to his district, shall be by him paid over on the written orders of the Directors of such district, and not otherwise; and all such orders received and paid by the Treasurer, shall be by him carefully filed and preserved: he shall also keep a book in which he shall enter an account of all receipts and disbursements on account of his district, and at the expiration of his term of service, shall deliver to his successors in office, all books, papers and moneys in his hands, belonging to his district.

Duty of the district treasurer in receiving and paying out funds

Sec. 16. That all moneys which come into the hands of the Trustees or Treasurer of any original surveyed township in this state, accruing from the rents of any school land belonging to such township, shall be by them annually paid over to the Treasurers of the respective school districts or parts of districts in such township, in proportion to the number of families in each district or part of district.

Town treasurer's duty to pay over to district treasurers

Sec. 17. That there shall be appointed by the Court of Common Pleas, of each county in this state, a suitable number of persons, not less than five, nor more than the number of townships in such county, to be called Examiners of common schools, and who shall serve for two years, and until their successors shall be appointed; and such Examiners, or any two of them, shall examine every person wishing to be employed as a school teacher, and if found qualified, and of good moral character, shall give him or her a certificate to that effect, which certificate, shall be valid for one year from the date thereof and no longer; and no person who shall not have obtained such certificate, shall receive from the Treasury of any district, any compensation for teaching a school therein; and the School Examiners of any county, may meet whenever they deem it expedient, adopt rules for the examination of teachers, and prescribe forms for certificates; and they, or any one of them, may visit schools in their county, examine the same, and give to the Directors thereof, such advice relative to the mode of instruction in said schools, as they shall think beneficial: *Provided*, That no certificate heretofore granted, shall be

Court of common pleas to appoint examiners of com. schools

Their duty in general defined

Provide

valid for a longer time than one year after the taking effect of this act.

Duty of the county auditor in keeping accounts of school funds

Sec. 18. That the County Auditor of each county, shall open an account with each township in his county, in a book by him kept for that purpose, in which, immediately after his annual settlement with the County Treasurer, he shall credit such township with the amount collected upon its duplicate for the use of schools, and shall, also, from time to time, credit such township with its proper proportion of all other moneys which shall come into the Treasury of his county for the use of schools, and shall charge such township with the amount of all orders by him drawn on the Treasurer of the county, in favor of the Treasurer of any school district, or part of district, in such township, and all moneys so credited to any township, shall be distributed to the several school districts and parts of districts in such township, in proportion to the number of householders in each district or part of district, as returned to the Auditor by the Township Clerk as aforesaid.

Fines collected in school district to be paid to treasurer thereof

Sec. 19. That all fines imposed and collected by any Justice of the Peace, for any offence or immoral conduct, done or committed in any school district, shall be, by such Justice of the Peace, paid over to the Treasurer of such district, for the use of schools therein.

County auditor to draw orders on county treasurer on certificate of school being kept therein

Sec. 20. That all money paid into the Treasury of any county for the use of schools, and by the County Auditor apportioned to the several school districts as aforesaid, shall be by the County Treasurer paid over to the Treasurers of the respective school districts, upon the order of the County Auditor; but no such order shall be drawn by the Auditor in favor of any District Treasurer, unless such Treasurer shall produce to him a certificate from the Directors of such district, setting forth that a school has been taught therein for the space of three months or more, within the year then last past, by a teacher having a certificate of qualification and moral character, from two or more of the Examiners of common schools in their county; and all moneys so drawn by the District Treasurers from the Treasurers of counties, shall be appropriated to the payment of school teachers, and to no other use or purpose whatever.

When school fund fails the persons sending to school to pay the teacher

Sec. 21. That when any appropriation shall be made by the Directors of any school district, from the Treasury thereof, for the payment of a teacher, the school in such district shall be open to all the children residing therein, except black and mulatto children, for the space of three months, and as much longer as such appropriation will pay the teacher; and if such appropriation shall be insufficient to pay the teacher for the term of three months, the residue of his wages, if not raised by voluntary subscription, shall be

paid by those sending to said school in proportion to the number of scholars by them respectively sent to said school, and the time they shall attend the same.

Sec. 22. That if the Trustees of any township already organized and not districted, shall not, within three years from the passage of this act, and of any township which shall be hereafter organized, within five years after the organization thereof, district the same according to the provisions of this act, it shall then be the duty of the County Auditor to divide and apportion all the money which is credited to such township, in his account therewith, for the use of schools, and remaining in the Treasury of his county, excepting the proceeds of section sixteen, or other lands in lieu thereof, belonging to such township among the other townships of the county which shall have been so districted, according to the number of families in each; and if any school district in any township, shall neglect to employ a teacher and keep a school therein for the space of three years at any one time, the County Auditor shall divide that dividend of school money then in the Treasury of his county, which would otherwise belong to such district, among the other districts in such township having schools therein, according to the number of families in such districts respectively.

Township not districted within certain times to forfeit their proportion of school fund

Sec. 23. That all suits brought in behalf of any school district, except such as shall be brought against the Treasurer thereof, shall be in the name of the District Treasurer for the use of such district; and when any suit in behalf of any school district, shall be entered in the Court of Common Pleas, of any county in this state, whether an original suit or entered by way of appeal or certiorari, the Prosecuting Attorney of such county, shall attend to the prosecution thereof as a part of his official duties.

Prosecution of suits in behalf of school districts how conducted

Duty of the prosecuting attorney

Sec. 24. That the act, entitled "An act, to provide for the support and better regulation of common schools," passed February 5th, 1825, and the act supplementary thereto, passed January 30th, 1827, and so much of the act to organize the original surveyed townships, passed February 26th, 1824, and all other laws and parts of laws contrary to, or inconsistent with the provisions of this act, be, and the same are hereby repealed: *Provided*, That all contracts heretofore made under the provisions of said acts, shall be executed and enforced in the same manner as if said acts were not repealed.

Repealing clause

This act shall be in force from and after the first day of June next.

Comments ment

EDWARD KING,  
*Speaker of the House of Representatives.*

SAMUEL WHEELER,  
*Speaker of the Senate.*

February 10, 1829.

**SECRETARY OF STATE'S OFFICE,****COLUMBUS, OHIO, MARCH 12, 1829.**

I certify the foregoing Acts to be correct copies from the original rolls remaining on file in this office.

**JER. M'LENE, Secretary of State.**

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## PENNSYLVANIA LAWS.

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Supplement to an act, entitled "An act to incorporate the Pennsylvania and Ohio Canal Company."

Sec. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted, by the authority of the same,* That as soon as the Legislature of the State of Ohio shall assent to the provisions of this act, Joseph F. Boyd, John Fisher, Benjamin Chew, Junior, Thomas Biddle, William Boyd, Stephen Stone and John Dickey, their associates and successors, be and they are hereby constituted and made, a body politic and corporate, with and in addition to those heretofore constituted by act of Assembly of the State of Ohio, passed the tenth day of January, Anno Domini eighteen hundred and twenty-seven, and to which the assent of this Commonwealth was given, by the act passed the fourteenth of April, Anno Domini eighteen hundred and twenty-seven.

Sec. 2. *And be it further enacted by the authority aforesaid,* That the Governor be, and he is hereby requested, to transmit a copy of this act to the Governor of the State of Ohio.

NER MIDDLESWARTH,  
*Speaker of the House of Representatives.*

DANIEL STURGEON,  
*Speaker of the Senate.*

Approved the seventh day of February, A. D. one thousand eight hundred and twenty-eight.

J. ANDREW SHULZE.

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## STATE OF PENNSYLVANIA,

*Secretary's Office, Harrisburgh, Feb. 11, 1828.*

I hereby certify, that the above is a true Copy of the Original remaining on file, and of record in the said office.

Witness, my hand and seal, the day and year aforesaid.

C. BLYTHE,  
*Secretary of the Commonwealth.*

54

**AN ACT to authorise the Sandy and Beaver Canal Company to extend a Canal into Pennsylvania.**

**WHEREAS**, the Legislature of Ohio have passed an act, incorporating a Company to construct a Canal from the Ohio Canal, near the mouth of Big Sandy creek, to the eastern boundary of the State of Ohio, at or near the mouth of Little Beaver creek:

**And** whereas, application has been made to this Legislature, to permit the said Company to continue the said contemplated Canal into the State of Pennsylvania, to some point near the Big Beaver, and intersecting the route of the proposed Canal from Pittsburg to and up the Big Beaver, and it is conceived that the granting of the privilege would tend to promote the prosperity of the two States:  
**Therefore:**

**Sec. 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the assent of this Commonwealth is hereby given to the "Sandy and Beaver Canal Company," incorporated or to be incorporated by virtue of an act of the Legislature of the State of Ohio, passed the eleventh day of January, one thousand eight hundred and twenty-eight, entitled "an act to incorporate the Sandy and Beaver Canal Company," to locate, construct and maintain a continuation of the said Canal, of dimensions at least equal to the part in Ohio, from a point near the mouth of Little Beaver creek, on the line of the States of Ohio and Pennsylvania: thence up the valley of the Ohio river to the vicinity of the mouth of the Big Beaver, and to some suitable point of intersection with the route of the proposed Canal from the City of Pittsburgh, to and up the Beaver, and upon the same and like principles and plans in all respects, and under and subject to the same regulations, powers, immunities, privileges, conditions and restrictions, of what kind soever as are given, granted, enjoyed, enacted and provided for, in the said act of the State of Ohio, so far as the same or any clause or part thereof may not be inconsistent with this act: *Provided*, That before the said Company shall commence the making of the Canal in Pennsylvania, the route thereof, its eastern termination, and the location of its feeders, shall be approved of by the board of Pennsylvania Canal Commissioners; nor shall any change or alteration be made in such route or location, unless the consent of the said board is first had therefor: *And provided*, That the several provisions of the twenty-first section of the said act of Ohio, in relation to the filing of statements of the cost of the Canal and works in Ohio, be, and the same are hereby extended, to that part of the Canal and works which may be in Pennsylvania, and the statements thereof shall be filed in the office of the Secretary of the Commonwealth of Pennsylvania: *And provided further*, That the said Company shall not carry on within this Commonwealth, any business which the said act of Ohio does not permit them to carry on in the State of Ohio; nor shall they own or carry on within this Commonwealth, any Milling, Manufacturing, Merchandizing or Mining concern, or any other business than such as shall properly belong to the functions of a Canal Company; nor shall the said Company use any more of the waters of the Big Bee*

ver, than shall be necessary, in addition to other convenient supplies, to complete and maintain the said Canal and the navigation thereof: *Provided always*, That the privileges hereby granted shall in no wise interfere with the rights and privileges granted to the Pennsylvania and Ohio Canal Company, or with the rights of Pennsylvania, to take as much water as may be necessary for the construction of a Canal to Lake Erie, by the Beaver and Shenango route.

Sec. 2. *And be it further enacted by the authority aforesaid*, That if any person or persons shall, at any time, consider him, her or themselves to have suffered damage in consequence of the making or repairing, or of the procurement of the materials for the making or repairing, of the said Canal or works, or any part thereof, such person or persons shall be entitled to the like proceedings, redress and compensation, as is provided in the before recited act, for persons in the State of Ohio, who may be injured by the making of the Sanly and Beaver Canal: *Provided*, That the proceedings in such cases shall be had before the Court of Quarter Sessions for Beaver county.

Sec. 3. *And be it further enacted by the authority aforesaid*, That in all cases where the matter in controversy shall have originated or arisen within the limits of this Commonwealth, the said company may sue and be sued, in like manner as other bodies corporate within this Commonwealth sue and are sued; and in all matters and things which may in any way relate to or concern the exercise or abuse of the rights, privileges, powers and franchises, hereby granted, and also, in all things which may relate to or concern a compliance with or a breach of the conditions and provisions of this act, or which are sanctioned or confirmed by this act, the said company shall be as perfectly subject to, and under the control of the proper authorities of Pennsylvania, as if the said company had been created by a law of this Commonwealth; and in any suit, action or proceeding at law against said company, the process may be served within the proper county or district, upon any known officer or agent of said company.

Sec. 4. *And be it further enacted by the authority aforesaid*, That the rates of tolls to be charged at any time on that part of the Canal in Pennsylvania, on any kind of property or upon persons passing east or west, shall not be greater than the rates of tolls charged at the same time on the same kind of property, or upon persons passing in the same direction on that part of the Canal in the State of Ohio; and no rule or regulation shall be adopted, which will give at any time an undue preference, as regards priority of navigation or transportation, to the boats, goods, or commodities of any person or persons.

Sec. 5. *And be it further enacted by the authority aforesaid*, That there is hereby reserved and provided, now and for the future, to the Commonwealth of Pennsylvania, and to the people thereof, the same and like rights, privileges and powers, in all respects, in and over that part of the contemplated Canal which may be in the state of Pennsylvania, as has been reserved and provided in the said recited act of the state of Ohio, to the said state, and the people thereof, in and over that part of the said Canal which may be in the state of Ohio.

50

**Sec. 6.** *And be it further enacted by the authority aforesaid,* That whenever an application shall be made to the President, for the time being, of the Board of Pennsylvania Canal Commissioners, for the purpose of procuring a decision of the said Board, in relation to the route, termination, and location of the Canal, and works authorized in this act, it shall be the duty of the said Board to consider of the same, and to make such decision as they shall deem most conducive to the public interest, and with as little delay as the nature of the case will permit; and if any material question should arise, or if it become necessary to ascertain any material matter of fact in relation to the premises, before such decision can be properly made; then and in that case, the said Board may employ an Engineer, to examine and report thereon, the better to enable the Board to decide correctly; and if at the time the said Company shall be prepared to make an application as aforesaid, it should happen that there existed no Board of Pennsylvania Canal Commissioners, then such application shall be made to the Governor of this Commonwealth, who is hereby authorized, in such case, to appoint three suitable persons, not residents of the county of Beaver, who shall, without unnecessary delay, view the premises, and decide in the same manner as the Board of Canal Commissioners could do by virtue of this act.

**Sec. 7.** *And be it further enacted by the authority aforesaid,* That this act shall be void, if the said Company does not commence active operations on that part of the proposed Canal in Pennsylvania, within the period of five years from and after the passing of this act; or having commenced operations as aforesaid, shall not complete the said Canal within three years after such commencement.

**Sec. 8.** *And be it further enacted by the authority aforesaid,* That an exemplified copy of the said act of Ohio, shall be annexed to this act, and published in the same manner as this act shall be published; and the Governor shall cause an attested copy of this act to be transmitted to the Governor of Ohio for the use of that state.

NER MIDDLESWARTH,  
*Speaker of the House of Representatives.*  
DANIEL STURGEON,  
*Speaker of the Senate.*

Approved the fourteenth day of April, A. D. one thousand eight hundred and twenty-eight.

J. ANDREW SHULZE.

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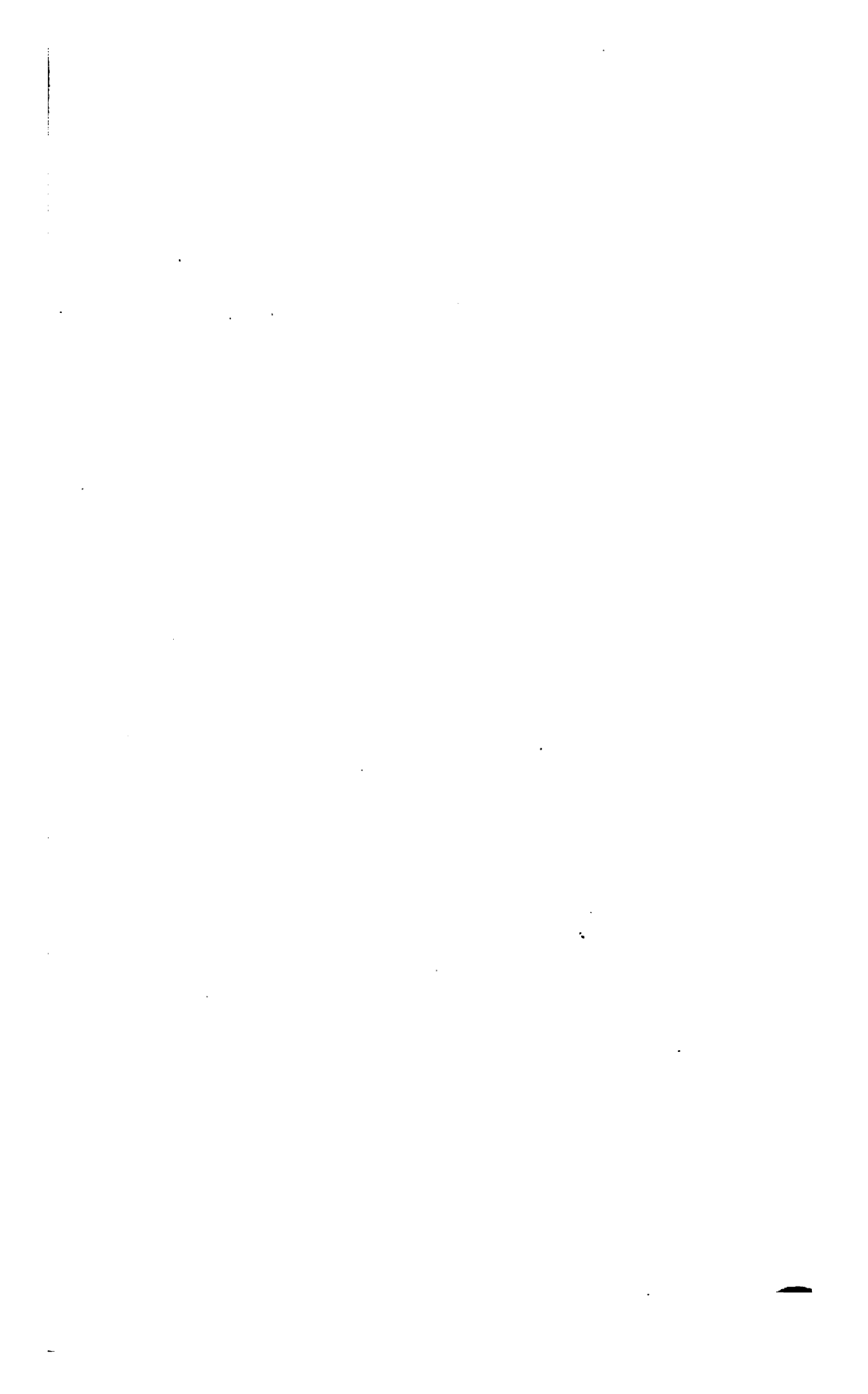
## STATE OF PENNSYLVANIA,

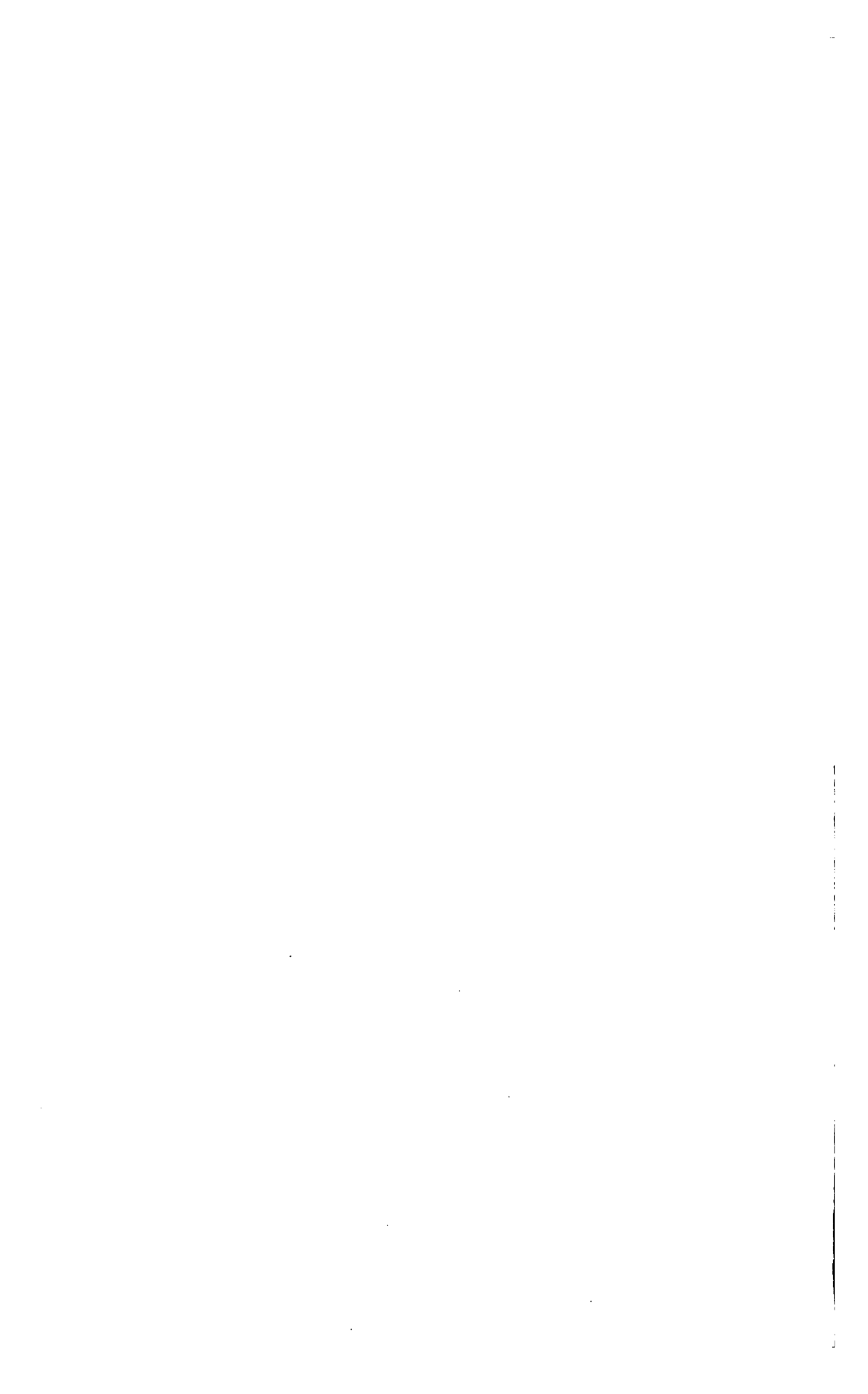
*Secretary's Office, Harrisburg, May 10, 1828.*

I hereby certify that the above and foregoing, is a true copy of the original law, remaining on file, and of record in said office.

Witness, my hand and seal of office, the day and year aforesaid.

JAMES TRIMBLE, *Dep. Sec'y*





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